

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

ASIJA MUSIC  
2514 GLENNOR RD  
DES MOINES IA 50310-5907

THE TJX COMPANIES INC  
c/o TALK UC EXPRESS  
PO BOX 283  
ST LOUIS MO 63166-0283

Appeal Number: 06A-UI-02026-CT  
OC: 01/01/06 R: 02  
Claimant: Respondent (1)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.4(3) – Able and Available  
Section 96.7(2)a – Relief of Charges

STATEMENT OF THE CASE:

The TJX Companies (TJX) filed an appeal from a representative's decision dated February 9, 2006, reference 01, which allowed benefits to Asija Music but denied the employer relief from benefit charges. After due notice was issued, a hearing was held by telephone on March 30, 2006. Ms. Music participated personally. The employer participated by Bob Russett, Store Manager. Zijo Suceska participated as the interpreter.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Music has been employed by TJX since March 23, 2000. She currently works as part of the markdown team and performs other duties as requested. She averaged approximately 38 hours of work per week in calendar year 2005. All employees' hours were reduced beginning approximately January 8, 2006. Hours were restored in mid-March. During the period when hours were reduced, Ms. Music worked as few as 25 hours some weeks.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Music was partially unemployed when she filed her claim for job insurance benefits effective January 1, 2006. She filed her claim because she was scheduled for fewer hours than she had been working. She remained available to work the same hours she had been working just prior to the reduction. Because she remained available to work for the employer, she is considered available for work within the meaning of Iowa Code section 96.4(3). Ms. Music's hours were restored as of March 11, 2006. Therefore, benefits are denied as of the beginning of the following week, March 12, 2006.

The next issue is whether the employer should be relieved of charges pursuant to Iowa Code section 96.7(2)a. Ms. Music is unemployed due to a reduction in work hours initiated by the employer. Because the employer was not providing her with the same amount of work as she had during the base period of her claim, the employer is not entitled to a relief from charges. Ms. Music only claimed benefits for the three weeks ending January 21, 2006. No benefits were paid for those weeks as she had excess earnings. Therefore, there are no charges to the employer's account for the three weeks claimed.

DECISION:

The representative's decision dated February 9, 2006, reference 01, is hereby affirmed. Ms. Music was partially unemployed as of January 1, 2006 due to a reduction in hours initiated by the employer. Benefits are allowed through the week ending March 11, 2006, provided she satisfies all other conditions of eligibility. The employer is not entitled to a relief from charges.

cfc/tjc