

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

JESSICA BICKFORD
Claimant

APPEAL NO: 10A-UI-03750-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

AMERIGAS PROPANE INC
Employer

OC: 01-10-10
Claimant: Appellant (1)

Section 96.4-3 – Able and Available for Work
Section 96.4-3 – Same Hours and Wages

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the March 2, 2010, reference 02, decision that denied benefits to the claimant. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on April 22, 2010. The claimant participated in the hearing. Todd Schmidt, Sales and Service Manager, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant is still employed with the employer for the same hours and wages as contemplated in the original contract of hire.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant separated from her full-time employer, Rockwell Collins, due to a permanent layoff January 9, 2009. She was hired as a part-time customer relations representative for Amerigas Propane March 9, 2009, and continues to be employed in that capacity. She restricted the hours she was available to work because she returned to school. The employer has hours available for the claimant and she has been working more hours in the last six weeks.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant is not still employed at the same hours because she voluntarily changed her hours.

Iowa Code section 96.4-3 provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

The claimant was hired as a part-time customer service representative. There has been no separation from her part-time employment and the claimant is currently working for this employer on a reduced work week because she is attending school to be a paramedic. Because the claimant, rather than the employer, was responsible for limiting her hours, she is not eligible for partial unemployment benefits. Consequently, benefits must be denied.

DECISION:

The March 2, 2010, reference 02, decision is affirmed. The claimant has limited the hours she is available because she is going to school and therefore is not qualified to receive benefits.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

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