

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

CAMIL ZONIC
1010 ANSBOROUGH
WATERLOO IA 50701

HY-VEE INC
c/o TALX UC EXPRESS
PO BOX 283
ST LOUIS MO 63166-0283

DAVID WILLIAMS
TALX UC EXPRESS
3799 VILLAGE RUN DR #511
DES MOINES IA 50317

Appeal Number: 06A-UI-04443-CT
OC: 02/05/06 R: 03
Claimant: Appellant (4)

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, 4th 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

Camil Zonic filed an appeal from a representative's decision dated March 10, 2006, reference 01, which denied benefits effective February 5, 2006, on a finding that he was not available for work. After due notice was issued, a hearing was held by telephone on May 11, 2006. Mr. Zonic participated personally. Zijo Suceska participated as the interpreter. The employer opted not to participate.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Zonic has been employed by Hy-Vee, Inc. since October 21, 2004. He was hired to work part time as a stocker. He filed a claim for job

insurance benefits effective February 5, 2006. Although he may have been working fewer hours at that point, he had weekly earnings in excess of his weekly benefit amount plus \$15.00. Mr. Zonic stopped claiming benefits after the week ending February 25. He then filed an additional claim effective April 9, 2006, based on a reduction in hours initiated by the employer.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Zonic is entitled to job insurance benefits on his claim filed effective February 5, 2006. He had excess wages for the three weeks he claimed benefits after he filed his claim. Because of his wages, he was not eligible for benefits for the three weeks ending February 25, 2006.

Mr. Zonic filed an additional claim effective April 9, 2006, because his hours were further reduced. The administrative law judge concludes that he was partially unemployed within the meaning of the law as of April 9 but remained available to work his normal hours with Hy-Vee, Inc. For the reasons stated herein, Mr. Zonic is allowed job insurance benefits as of April 9, 2006.

DECISION:

The representative's decision dated March 10, 2006, reference 01, is hereby modified. Mr. Zonic is partially unemployed but remains available for work. Benefits are allowed effective April 9, 2006, provided he satisfies all other conditions of eligibility.

cfc/kkf