

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BECKY L SEHLSTROM
Claimant

APPEAL NO. 07A-UI-02365-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WEAVER ENTERPRISES LTD
Employer

**OC: 01/28/07 R: 02
Claimant: Respondent (1)**

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

Weaver Enterprises, Ltd. filed an appeal from a representative's decision dated February 26, 2007, reference 01, which allowed benefits to Becky Sehlstrom but denied the employer relief from charges. After due notice was issued, a hearing was held by telephone on March 26, 2007. Ms. Sehlstrom participated personally. The employer participated by Terry Moffit, Director of Operations.

ISSUE:

At issue in this matter is whether Ms. Sehlstrom satisfied the availability requirements of the law as of the effective date of her claim for job insurance benefits, January 28, 2007.

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. Sehlstrom has been employed by Weaver Enterprises, Inc., doing business as Kentucky Fried Chicken, since December 17, 2004. She was hired to work approximately 20 hours each week as a crew member. She filed a claim for job insurance benefits because her work hours were reduced. She did not request the reduction and there was no doctor's recommendation that she work fewer hours. The employer was under the mistaken belief that Ms. Sehlstrom's medical condition necessitated a reduction in hours. She continued to be physically able to work 20 hours each week. The employer has now restored her hours.

REASONING AND CONCLUSIONS OF LAW:

Ms. Sehlstrom has remained available to work 20 hours each week since she filed her claim. She has also remained able to work. The reduction in hours was at the employer's initiative. Because Ms. Sehlstrom has remained available to work, she is entitled to benefits pursuant to Iowa Code section 96.4(3). Accordingly, benefits are allowed. Ms. Sehlstrom should discontinue claiming benefits now that her hours are restored.

DECISION:

The representative's decision dated February 26, 2007, reference 01, is hereby affirmed. Ms. Sehlstrom satisfied the availability requirements of the law effective January 28, 2007. Benefits are allowed, provided she satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw