

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CASSANDRA M CARVER
Claimant

APPEAL NO. 07A-UI-02748-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

INTERSTATE BRANDS CORP
Employer

**OC: 01/07/07 R: 04
Claimant: Respondent (1)**

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

STATEMENT OF THE CASE:

Interstate Brands Corporation filed an appeal from a representative's decision dated March 6, 2007, reference 01, which allowed benefits to Cassandra Carver but denied the employer relief from benefit charges. After due notice was issued, a hearing was held by telephone on April 4, 2007. Ms. Carver participated personally. The employer participated by Kate Pulse, District Sales Manager.

ISSUE:

At issue in this matter is whether Ms. Carver is available for work. There is also the issue of whether the employer should be relieved of charges for benefits paid to Ms. Carver.

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. Carver has been employed by Interstate Brands Corporation since August 9, 2004. She was hired to work from 14 to 16 hours per week as a cashier. She filed a claim for job insurance benefits effective January 7, 2007 because she was reduced to working only 9.5 hours each week. The reduction was due solely to a slow-down in business. Ms. Carver's hours will be restored when business picks up.

REASONING AND CONCLUSIONS OF LAW:

Ms. Carver filed a claim for job insurance benefits because the employer was providing her with fewer hours of work than she had worked previously. She was hired to work from 14 to 16 hours each week but was only receiving 9.5 hours each week when she filed her claim. The reduction was not due to any fault of Ms. Carver. She remains available to work the same number of hours for which she was hired. As such, the administrative law judge concludes that she is available for work within the meaning of Iowa Code section 96.4(3).

An employer is entitled to a relief from charges if it is currently providing a claimant with the same employment as it did during the base period of the claim. Iowa Code section 96.7(2)a(2)

The base period of Ms. Carver's claim consists of the fourth quarter of 2005 and the first three quarters of 2006. During that time, she was working anywhere from 11 to 16 hours each week. Because the employer is providing fewer hours currently, it is not entitled to a relief from charges.

DECISION:

The representative's decision dated March 6, 2007, reference 01, is hereby affirmed. Ms. Carver is partially unemployed but remains available to work the hours for which she was hired. Benefits are allowed, provided she satisfies all other conditions of eligibility. The employer is not relieved of charges for benefits paid to Ms. Carver.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw