

Stores on August 20, 2002. She went through several changes in position and was a full-time manager in August 2004 when she was replaced as the manager and offered a position as a full-time clerk and could chose her days off. She agreed and asked for Monday and Tuesday off and the employer agreed. Her change in status was effective August 29, 2005, but since that time she has not been scheduled for more than 27 hours in one week even though she is available to work up to 40 hours per week.

Office Manager Pat Beck indicated more hours were available but an apparent miscommunication from the store supervisor resulted in her being scheduled for only part-time hours.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is able and available for work. The judge concludes she is.

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 has established that she is able and available for full-time hours. The employer has full-time hours available but has not been scheduling the claimant for more hours due to a miscommunication. The claimant has met the eligibility requirements for benefits.

DECISION:

The representative's decision of October 3, 2005, reference 01, is reversed. Jeana Ulmer is able and available for work and eligible for unemployment benefits.

bgh/s