

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOAN M MCEOWEN
Claimant

APPEAL NO. 07A-UI-09128-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

INVENTORY TRADING COMPANY
Employer

**OC: 08/19/07 R: 04
Claimant: Respondent (4)**

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

Inventory Trading Company (ITC) filed an appeal from a representative's decision dated September 19, 2007, reference 02, which allowed benefits to Joan McEowen but denied the employer relief from charges. After due notice was issued, a hearing was held by telephone on October 10, 2007. The employer participated by Carol Engelken, General Manager, and Rich Lenz, Production Foreman. Ms. McEowen opted not to participate.

ISSUE:

At issue in this matter is whether Ms. McEowen satisfied the availability requirements of the law after filing her claim effective August 19, 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. McEowen began working for ITC on April 23, 2007. She was hired to work part time as a seasonal employee. She usually worked 15 hours each week. She filed a claim for job insurance benefits effective August 19, 2007 because she was not getting any hours.

Ms. McEowen did not have any work hours for the two-week pay period ending August 7 or the period ending August 21. She had only 16 hours for the two-week period ending September 4. She was paid job insurance benefits for the weeks ending August 25 and September 1.

REASONING AND CONCLUSIONS OF LAW:

Ms. McEowen filed a claim for job insurance benefits because she was not scheduled for work for the four-week period ending August 21, 2007. She had been working approximately 15 hours each week before that. She remained available to work her normal hours during those times when the employer had no work available. The administrative law judge concludes, therefore, that she satisfied the availability requirements of Iowa Code section 96.4(3) when she filed her claim. For the above reasons, Ms. McEowen is entitled to job insurance benefits to

cover the period when no work was made available to her. Therefore, benefits are allowed for the weeks ending August 25 and September 1, 2007.

ITC is not currently a base period employer on Ms. McEowen's claim. As such, the employer's account is not currently subject to charges for benefits paid to her.

DECISION:

The representative's decision dated September 19, 2007, reference 02, is hereby modified. Ms. McEowen is allowed job insurance benefits for the weeks ending August 25 and September 1, 2007 as she was available for work within the meaning of the law. The employer's account is not currently subject to charges.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css