

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: Ms. Squires began working for Wal-Mart on April 30, 1987. As of September 26, 2003, she had notified the employer that she was available to work from 7:00 a.m. until 11:00 p.m. Saturday through Wednesday and from 7:00 a.m. until 4:00 p.m. on Thursday and Friday. Based on this availability, Ms. Squires was usually scheduled for 40 hours each week.

On July 21, 2005, Ms. Squires notified the employer that her availability had changed. She was no longer available to work on Saturday and Sunday. She was only available to work from 8:00 a.m. until 5:00 p.m. Monday through Friday. The employer had the need for individuals to work evening and weekends. Ms. Squires was told that she would have fewer hours if she changed her availability. She filed a claim for job insurance benefits effective August 28, 2005 because she was only scheduled for 24 hours the payroll week of August 20 through August 26. Ms. Squires was paid \$134.00 in job insurance benefits for the week ending September 3, 2005.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Squires is entitled to job insurance benefits on her claim filed effective August 28, 2005. She filed for benefits because she was working fewer hours. However, the reduction in hours was initiated by Ms. Squires when she reduced her availability. She knew that by reducing the hours she was available, the employer had fewer hours available in which to schedule her for work. Because Ms. Squires voluntarily reduced her availability, she is not entitled to job insurance benefits to compensate for the reduced workweek.

Ms. Squires has received \$134.00 in job insurance benefits since filing her claim. Based on the decision herein, the benefits received now constitute an overpayment and must be repaid. Iowa Code section 96.3(7).

DECISION:

The representative's decision dated September 26, 2005, reference 01, is hereby reversed. Ms. Squires is not entitled to job insurance benefits because she voluntarily initiated a reduction in work hours resulting in underemployment.

cfc/kjw