

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MATTHEW F JONES**

Claimant

**APPEAL NO. 10A-UI-01160-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**A-LINE STRIPING AND  
SWEEPING COMPANY**

Employer

**OC: 12/13/09**

**Claimant: Appellant (2)**

Section 96.4(3) – Able and Available

**STATEMENT OF THE CASE:**

Matthew Jones filed an appeal from a representative's decision dated January 14, 2010, reference 02, which denied benefits on a finding that he did not satisfy the availability requirements of the law. After due notice was issued, a hearing was held by telephone on March 4, 2010. Mr. Jones participated personally. The employer participated by Les Beisner, President.

**ISSUE:**

At issue in this matter is whether Mr. Jones has satisfied the availability requirements of the law since filing his claim effective December 13, 2009.

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Jones has been employed by A-Line Striping and Sweeping Company since September of 2007 as a full-time painter. The employer's work is seasonal. Mr. Jones filed a claim for job insurance benefits effective December 13, 2009 because work had slowed down. He works when work is available and has not turned down any work offered by the employer. The employer considers him to be on layoff.

**REASONING AND CONCLUSIONS OF LAW:**

In order to receive job insurance benefits, an individual must be available for work. Iowa Code section 96.4(3). This section is waived if an individual is partially unemployed with his regular employer. The administrative law judge is satisfied that Mr. Jones is, in fact, partially unemployed. He works only as the weather permits and has not refused any work. Since he is partially unemployed, he is not required to meet the requirements of section 96.4(3). As such, benefits are allowed.

**DECISION:**

The representative's decision dated January 14, 2010, reference 02, is hereby reversed. Mr. Jones was partially unemployed effective December 13, 2009 but remained available to the employer that laid him off. Benefits are allowed, provided he is otherwise eligible.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/pjs