

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CHERYL K JOHNSON**  
Claimant

**APPEAL NO. 08A-UI-09643-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**A & N OF RIVER CITY INC**  
Employer

**OC: 04/27/08 R: 02  
Claimant: Appellant (4)**

Section 96.4(3) – Able and Available

**STATEMENT OF THE CASE:**

Cheryl Johnson filed an appeal from a representative's decision dated October 14, 2008, reference 03, which held that she was not partially unemployed. After due notice was issued, a hearing was held by telephone on November 4, 2008. Ms. Johnson participated personally. The employer responded to the notice of hearing but the designated witness was not available at the number provided at the scheduled time of the hearing. The employer did not have anyone else available to participate.

**ISSUE:**

At issue in this matter is whether Ms. Johnson has satisfied the availability requirements of the law since filing her additional claim effective September 7, 2008.

**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. Johnson has been employed by A & N of River City, Inc. since July 1, 2008. She performs janitorial work in the McDonald's restaurant operated by the employer. She was hired to work part time. Approximately one week after she began, she was asked how many hours she wanted to work each week and she indicated 20.

About one week after she told the employer she wanted to work 20 hours each week, Ms. Johnson gave notice that she only wanted to work 15 hours. The employer has provided her with at least 15 hours each week since that time except for two weeks. During the week ending September 13, she was only scheduled for 10 hours and the week ending November 1, for 11 hours. Ms. Johnson remained available to work 15 hours during both weeks.

**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). Ms. Johnson filed an additional claim effective September 7, 2008 because of a temporary reduction in her work hours. She had been working 15 hours each week but was provided fewer hours during the weeks ending September 13 and November 1. Since she

remained available to work the same hours she was working prior to the reduction, she is available for work within the meaning of the law. Ms. Johnson is only entitled to benefits during those weeks in which she is scheduled for less than 15 hours.

**DECISION:**

The representative's decision dated October 14, 2008, reference 03, is hereby modified. Ms. Johnson was partially unemployed and available for work the weeks ending September 13 and November 1, 2008. Benefits are allowed for those two weeks, provided she satisfies all other conditions of eligibility. Benefits are denied for all other weeks for which claims have been filed, as Ms. Johnson worked a minimum of 15 hours those weeks.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/kjw