

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHEILA J CORSBIE
Claimant

APPEAL NO: 12A-UI-04843-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

JANEPETRA CORP
Employer

OC: 01/22/12
Claimant: Respondent (5)

Iowa Code § 96.4(3) – Ability to and Availability for Work

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's April 25 2012 determination (reference 02) that held the claimant eligible to receive benefits because even though she still worked part time, she was working reduced hours. The claimant participated in the hearing with Tina Carney. Kim Young appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge finds the claimant eligible to receive benefits as of January 22, 2012.

ISSUE:

Is the claimant able to and available for work?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of January 22, 2012. Based on the decision for 12A-UI-02535-ST, the claimant voluntarily quit her employment on January 20, 2012, for reasons that qualify her to receive benefits. The Employment Appeal Board has affirmed this decision.

The claimant worked part time for the employer. In addition to earning wages from part-time employment, the claimant also receives social security disability benefits. To maintain her eligibility to receive social security disability benefits, she cannot earn more than \$900.00 a month in wages. Since establishing her claim for benefits the claimant is looking for more part-time work, 24 hours a week. While the claimant has some work restrictions, she is looking for office work in which she has experience and is not restricted from doing. The claimant cannot accept a job that requires her to stand for a prolonged time.

REASONING AND CONCLUSIONS OF LAW:

The April 25 representative's determination the employer appealed from is meaningless because the claimant voluntarily quit her employment on January 20, 2012. This issue of whether the claimant is able to and available for work as of January 22, 2012, remains an issue since the administrative law judge remanded this issue to the Claims Section to address and

each week a claimant files a claim for benefits she must be able to and available for work. Iowa Code § 96.4(3). Since the claimant has filed weekly claims, she must be able to and available for work for the majority of each week she has filed a claim.

The facts establish the claimant's base period wages come from part-time employment. The fact she is only looking for part-time employment since January 22, 2012, does not make her ineligible to receive benefits. 871 IAC 24.23(22). Even though the claimant has some work restrictions, such as not being able to stand for a prolonged time, she established she is able to and available to do meaningful work in which she has experience, such as office work.

Based on the evidence presented during the hearing, the claimant established that she is able to and available for work. Therefore, as of January 22, 2012, the claimant is eligible to receive benefits.

DECISION:

The representative's April 25, 2012 determination (reference 02) is modified, but the modification has no legal consequence. Since the claimant's employment ended on January 20, 2012, the April 25 determination that indicated she is able to work because she is working reduced part-time hours was made in error. Even though the claimant is not working for the employer, she must still establish she is able to and available for work each she files a claim for benefits. The claimant established she is able to and available for work each week she has filed a claim for benefits. Therefore as of January 22, 2012, the claimant is eligible to receive benefits.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css