

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHELE L MEYER
Claimant

APPEAL NO. 08A-UI-06186-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

REGIS CORP
Employer

**OC: 05/18/08 R: 02
Claimant: Appellant (2)**

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated June 24, 2008, reference 01, which held claimant not able and available for work. After due notice, a telephone conference hearing was scheduled for and held on August 4, 2008. Claimant participated personally. Employer failed to respond to the hearing notice and did not participate.

ISSUE:

The issue in this matter is whether claimant is able and available for work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant worked for the employer part time. Claimant was allowed every other Sunday off. Claimant was ordered to work every Sunday and Saturday. This was a significant change in the contract of hire. Claimant quit because she no longer had a Sunday off every other week. Claimant wanted to work full time with employer but the employer refused to offer full-time work. Claimant was also working another job. Claimant is able and available for full-time work.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.4-3 provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept

suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

Benefits shall be allowed effective May 18, 2008. Claimant has established the willingness to work full time. At no point did claimant refuse to work full time. Benefits allowed.

DECISION:

The decision of the representative dated June 24 2008, reference 01, is reversed. Claimant is eligible to receive unemployment insurance benefits, effective May 18, 2008, provided claimant meets all other eligibility requirements.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/pjs