

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARY S KOHL
Claimant

APPEAL NO. 07A-UI-04544-LT

**ADMINISTRATIVE LAW JUDGE
DECISION**

DECO TOOL SUPPLY CO
Employer

OC: 04/08/07 R: 03
Claimant: Respondent (1)

Iowa Code § 96.4(3) - Able and Available

STATEMENT OF THE CASE:

The employer filed a timely appeal from the April 30, 2007, reference 01, decision that allowed benefits. After due notice was issued, a telephone conference hearing was held on May 21, 2007. Claimant participated. Employer participated through Cynthia Quinn Smith.

ISSUE:

The issue is whether claimant is able to and available for work.

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: Claimant is employed as a part time receptionist/clerk. She was hired on November 15, 2004 to work 29 hours per week. On April 9, 2007 her hours were reduced 20 hours per week as of April 9 due to "business conditions." Claimant is available to work at least 29 hours per week. Her weekly benefit amount (WBA) is \$169.00.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant is able to work and available for work.

Iowa Code § 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".

Since employer unilaterally reduced her hours by almost a third, as long as claimant makes herself available for at least 29 hours per week, she may report gross wages for weeks in which she worked fewer hours. Accordingly, benefits are allowed, provided claimant is otherwise eligible.

DECISION:

The April 30, 2007, reference 01, decision is affirmed. The claimant is able to work and available for work effective April 8, 2007. Benefits are allowed, provided the claimant is otherwise eligible.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/css