

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JULIE A SLAMAN

Claimant

APPEAL NO. 10A-UI-06840-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CARLOS O'KELLY'S INC

Employer

OC: 11/15/09

Claimant: Respondent (1)

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

Carlos O'Kelly's, Inc. filed an appeal from a representative's decision dated April 28, 2010, reference 02, which allowed benefits to Julie Slaman but denied the employer relief from benefit charges. After due notice was issued, a hearing was held by telephone on June 22, 2010. Ms. Slaman participated personally. The employer participated by Tyler Donahue, Hospitality Manager.

ISSUE:

At issue in this matter is whether Ms. Slaman satisfied the availability requirements of the law.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Slaman has been employed by Carlos O'Kelly's since November 2, 2007. She was hired to work from 25 to 35 hours each week as a prep cook. She filed an additional claim for job insurance benefits effective March 28, 2010 because she was only scheduled to work 13 hours. She spoke with management about the reduction and her hours were restored the following week. She only claimed benefits for the one week ending April 3, 2010.

REASONING AND CONCLUSIONS OF LAW:

Ms. Slaman filed an additional claim for job insurance benefits solely because her workweek was reduced. She remained available to work for the employer for the same number of hours she had worked in previous weeks. Because she remained available for work, it is concluded that she satisfied the availability requirements of Iowa Code section 96.4(3). Inasmuch as the employer restored her hours the following weeks, she was no longer available for work within the meaning of the law effective April 4, 2010. Since the reduction in hours for the week ending April 3, 2010 was at the employer's initiative, it remains liable for its pro rata share of benefits paid to Ms. Slaman that week.

DECISION:

The representative's decision dated April 28, 2010, reference 02, is hereby affirmed. Julie Slaman satisfied the availability requirements of the law effective March 28, 2010. Benefits are allowed from March 28 through April 3, 2010, provided she is otherwise eligible. Such benefits are chargeable to the employer's account.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs