

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TERRY A SCHULING
Claimant

APPEAL NO. 10A-UI-14330-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SDH SERVICES WEST LLC
Employer

OC: 08/29/10
Claimant: Appellant (2)

Section 96.4-3 - Able to and Available for Work

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated October 15, 2010, reference 01, that concluded she was not available for work. A telephone hearing was held on December 1, 2010. The parties were properly notified about the hearing. The claimant participated in the hearing. No one participated in the hearing on behalf of the employer.

ISSUE:

Was the claimant able to and available for work?

FINDINGS OF FACT:

The claimant started working for the employer as a cafeteria worker in 1995 and currently works for the employer.

The claimant filed for unemployment insurance benefits after her hours were substantially reduced from 37 to 12 hours per week, which caused her to earn less than her weekly benefits amount. The claimant did not request the reduction in her hours, and in fact has requested more hours. She is able to work and available for work but is supposed to avoid repetitive work due to problems with arthritis.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is able to work, available for work, and earnestly and actively seeking work as required by the unemployment insurance law in Iowa Code section 96.4-3. The evidence establishes the claimant is available for work and is eligible for partial unemployment benefits for weeks where she is working less than full-time and her wages are less than her earnings limit. Iowa Code section 96.19-38-b.

DECISION:

The unemployment insurance decision dated October 15, 2010, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs