

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ALEXANDER D SLUGA**  
Claimant

**APPEAL NO. 12A-UI-14488-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OMAHA JOINT ELECT APPRE**  
Employer

**OC: 08/05/12**  
**Claimant: Appellant (2)**

Section 96.4(3) – Able and Available

**STATEMENT OF THE CASE:**

The claimant, Alexander Sluga, filed an appeal from a decision dated December 3, 2012, reference 01. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on January 16, 2013. The claimant participated on his own behalf. The employer, Omaha Joint Electrical Apprenticeship (OJEA) participated by Training Director Ed Karnish.

**ISSUE:**

The issue is whether the claimant able and available.

**FINDINGS OF FACT:**

Alexander Sluga was employed by Omaha Joint Electrical Apprenticeship (OJEA) beginning August 2012. He is a part-time apprentice instructor working two nights per week, three hours per night.

The claimant has been employed full time with Commonwealth Electric since October 2008. He remains in the same capacity and is available whenever work is available from this employer. It does not interfere with his work with the OJEA because those hours are outside of the work hours at Commonwealth.

**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".

The record establishes Mr. Sluga is able and available for his regular work hours with his full time as well as part time employers. He is therefore eligible for benefits.

**DECISION:**

The representative's decision of December 3, 2012, reference 01, is reversed. Alexander Sluga is eligible for benefits.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

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