

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**MICHELLE L LEE**

Claimant

**APPEAL 15A-UI-04739-JC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ROQUETTE AMERICA INC**

Employer

**OC: 03/15/15**

**Claimant: Respondent (1/R)**

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Iowa Code § 96.4(3) – Ability to and Availability for Work

Iowa Admin. Code r. 871-24.22(2) – Able & Available - Benefits Eligibility Conditions

**STATEMENT OF THE CASE:**

The employer filed an appeal from the April 10, 2015 (reference 03) unemployment insurance decision that found the claimant eligible benefits and able and available for employment. The parties were properly notified about the hearing. A telephone hearing was held on May 28, 2015. The claimant participated. The employer participated through Hillary Carter, Human Resources senior staffing specialist.

**ISSUE:**

Is the claimant able to work and available for work beginning March 15, 2015?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed an initial claim for unemployment benefits with an original claim date of March 15, 2015. The claimant has reliable transportation, is not currently restricted from employment based on a medical condition, is not in school, and has no other limitation to be able and available for employment.

The claimant has been permanently separated from employment. That separation has not yet been determined at the claims level.

**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".

Iowa Admin. Code r. 871-24.22(2) provides:

Benefits eligibility conditions. For an individual to be eligible to receive benefits the department must find that the individual is able to work, available for work, and earnestly and actively seeking work. The individual bears the burden of establishing that the individual is able to work, available for work, and earnestly and actively seeking work.

(2) Available for work. The availability requirement is satisfied when an individual is willing, able, and ready to accept suitable work which the individual does not have good cause to refuse, that is, the individual is genuinely attached to the labor market. Since, under unemployment insurance laws, it is the availability of an individual that is required to be tested, the labor market must be described in terms of the individual. A labor market for an individual means a market for the type of service which the individual offers in the geographical area in which the individual offers the service. Market in that sense does not mean that job vacancies must exist; the purpose of unemployment insurance is to compensate for lack of job vacancies. It means only that the type of services which an individual is offering is generally performed in the geographical area in which the individual is offering the services.

The claimant credibly testified that she had no medical restriction or other limitation on her employability beginning the week of March 15, 2015 and remains able and available for employment. Accordingly, benefits are allowed.

**DECISION:**

The April 10, 2015 (reference 03) unemployment insurance decision is affirmed. The claimant is able to work and available for work effective March 15, 2015. Benefits are allowed.

**REMAND:** The separation issue delineated in the findings of fact is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

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Jennifer L. Coe  
Administrative Law Judge

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Decision Dated and Mailed

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