

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEELYN A MAYER
Claimant

APPEAL NO. 15A-UI-04350-S1T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/23/14
Claimant: Appellant (2)**

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Deelyn Mayer (claimant) appealed a representative's April 7, 2015, decision (reference 03) that concluded she was not eligible to receive unemployment insurance benefits because she was limiting her wages so as not to affect her social security payments. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on May 19, 2015. The claimant did participate.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant reopened her claim for unemployment insurance benefits on March 8, 2015. The claimant is willing to work part-time or full-time work. She is not able to stand in one place for long periods but this does not restrict her from working.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant was able and available for work as of March 22, 2015.

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".

There was no evidence that there were any restriction or limitation on employability. Accordingly, benefits are allowed.

DECISION:

The representative's April 7, 2015, decision (reference 03) is reversed. The claimant is able and available for work as of March 22, 2015.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs