

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DUSTIN L AXLAND
Claimant

**QUALITY MANUFACTURING
CORPORATION**
Employer

APPEAL 22A-UI-01178-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 11/07/21
Claimant: Respondent (1R)**

Iowa Code § 96.4(3) – Eligibility – A&A – Able to, available for, work search

STATEMENT OF THE CASE:

On December 8, 2021, Quality Manufacturing Corporation (employer/appellant) filed a timely appeal from the December 3, 2021 (reference 01) unemployment insurance decision that found claimant was able and available for work effective November 7, 2021.

A telephone hearing was held on February 3, 2022. The parties were properly notified of the hearing. Dustin Axland (claimant/respondent) participated personally. Employer participated by HR Specialist Sara Dean. Official notice was taken of the administrative record.

ISSUE(S):

- I. Is the claimant able to and available for work?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant began working for employer most recently on November 18, 2020. Claimant was employed part-time as a material handler. Claimant was working temporarily for employer during the off-season of a position with the City of Des Moines. The last day claimant performed work for employer was March 26, 2021. Claimant returned to the position with the City of Des Moines at that time. That job ended on November 5, 2021.

Claimant filed a claim for benefits each week from the benefit week ending November 13, 2021 through the benefit week ending January 15, 2022. Claimant has been able to work, available for work, and searching for work during each week filed. Claimant has not returned to employer, despite employer offering him a position after filing the current claim for benefits.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the December 3, 2021 (reference 01) unemployment insurance decision that found claimant was able and available for work effective November 7, 2021 is AFFIRMED.

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 administrative law judge finds claimant is eligible for benefits in each week filed as he was able to work, available for work, and searching for work in each week filed.

However, this matter must be remanded to the Department to address whether claimant's separation from employer was disqualifying, including whether employer should be charged for benefits paid, and whether claimant refused to accept a suitable job offer with employer.

DECISION:

The December 3, 2021 (reference 01) unemployment insurance decision that found claimant was able and available for work effective November 7, 2021 is AFFIRMED.

REMAND:

This matter is REMANDED to the Department to address whether claimant's separation from employer was disqualifying, including whether employer should be charged for benefits paid, and whether claimant refused to accept a suitable job offer with employer.



Andrew B. Duffelmeyer
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 478-3528

February 22, 2022
Decision Dated and Mailed

abd/abd