

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JOSEPH C KLOBASSA**  
Claimant

**APPEAL NO. 11A-UI-16400-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**NEW HAMPTON AUTO BODY LLC**  
Employer

**OC: 05/15/11**  
**Claimant: Respondent (1)**

Section 96.4(3) – Able and Available

**STATEMENT OF THE CASE:**

The employer, New Hampton Auto Body, filed an appeal from a decision dated December 19, 2011, reference 03. The decision allowed benefits to the claimant, Joseph Klobassa. After due notice was issued, a hearing was held by telephone conference call on January 24, 2012. The claimant participated on his own behalf. The employer participated by Partner Sam Trask.

**ISSUE:**

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

**FINDINGS OF FACT:**

Joseph Klobassa was employed by New Hampton Auto Body from November 4 until November 10, 2011. He was hired on a temporary basis to drive a truck and pick up trailer. It was intended from the first to be a temporary job only.

Mr. Klobassa's base period wages were earned in full-time work as an assistant manager of a grocery store. He remains able to work 40 hours per week.

**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 claimant is able and available for work to the same extent as he was during his base period.

**DECISION:**

The representative's decision of December 19, 2011, reference 03, is affirmed. Joseph Klobassa is able and available for work and eligible for unemployment benefits.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

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