

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KATIE HOWARD
Claimant

APPEAL NO: 19R-UI-03261-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

DISCOVERY TRAIL HEALTHCARE INC
Employer

OC: 02/03/19
Claimant: Appellant (2)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the March 1, 2019, reference 01, decision that denied benefits effective February 3, 2019. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on May 9, 2019. The claimant participated in the hearing. The employer did not respond to the hearing notice and did not participate in the hearing.

ISSUE:

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

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time LPN at Discovery Trail Healthcare from February 2018 to August 2018. She was laid off due to a lack of work.

The claimant then accepted employment with Union Park Health Services but was separated from employment with that employer February 2, 2019.

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".

The claimant has not worked since February 2, 2019. She is able and available for work within the meaning of the law effective February 3, 2019.

DECISION:

The March 1, 2019, reference 01, decision is reversed. The claimant is able to work and available for work effective February 3, 2019. Benefits are allowed effective February 9, 2019, provided the claimant is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn