

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI	
<b>AMY A JOHNSON</b> Claimant	<b>APPEAL NO: 13A-UI-01848-S2T</b>
<b>IOWA WORKFORCE DEVELOPMENT DEPARTMENT</b>	<b>ADMINISTRATIVE LAW JUDGE DECISION</b>
	<b>OC: 07/01/12</b> <b>Claimant: Appellant (1)</b>

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Amy Johnson (claimant) appealed a representative's February 11, 2013 decision (reference 03) that found the claimant not eligible to receive unemployment insurance benefits as of February 10, 2013. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on March 13, 2013. The claimant did participate. The claimant offered and Exhibit A was received into evidence.

**ISSUE:**

The issue is whether the claimant is able and available for 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 started a new job on February 11, 2013, and was not available for work as of February 10, 2013.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow the administrative law judge concludes the claimant is not available for work as of February 10, 2013.

871 IAC 24.23(23) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(23) The claimant's availability for other work is unduly limited because such claimant is working to such a degree that removes the claimant from the labor market.

As of February 10, 2013, the claimant was working to such an extent as to remove her from the work force. The claimant is disqualified from receiving unemployment insurance benefits because she was not available for work.

**DECISION:**

The representative's February 11, 2013 decision (reference 03) is affirmed. The claimant is disqualified for being unavailable for work.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/pjs