

economy went bad in September, making it the worst month ever for car sales. Claimant is able and available for work.

REASONING AND CONCLUSIONS OF LAW:

The issue in this matter is whether claimant is able and available for work.

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".

Claimant was laid off due to lack of work. Claimant at all times was able and available for gainful employment. Benefits shall be allowed effective September 18, 2005.

DECISION:

The decision of the representative dated October 13 2005, reference 02 is affirmed. Claimant is eligible to receive unemployment insurance benefits, effective September 18, 2005, provided claimant meets all other eligibility requirements.

mdm\kjlw