

UNEMPLOYMENT INSURANCE APPEALS

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

VICTOR M ROMERO
Claimant

APPEAL NO. 13A-UI-14312-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

JACK LINK TRUCK LINE INC
Employer

OC: 01/13/13
Claimant: Respondent (1)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Employer filed an appeal from a decision of a representative dated December 26, 2013, reference 03, which held claimant able and available for work. After due notice, a hearing was scheduled for and held on January 23, 2014. Claimant participated personally. Employer participated by Bill Link, President. Exhibit One was admitted into evidence.

ISSUE:

The issue in this matter is whether 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: Claimant traveled to Mexico to care for his father. Claimant left April 1 and returned May 4, 2013. Claimant has been able and available for full-time work ever since his return on May 4, 2013.

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".

Inasmuch as the claimant has removed his impediment to employment, the claimant has established the ability to work. Benefits shall be allowed effective December 1, 2013.

DECISION:

The decision of the representative dated December 26, 2013, reference 03, is affirmed. Claimant is eligible to receive unemployment insurance benefits, effective December 1, 2013, provided claimant meets all other eligibility requirements.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/css