

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BRANDY M HOFFMAN**  
Claimant

**APPEAL NO. 10A-UI-16553-MT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**COMPREHENSIVE SYSTEMS INC**  
Employer

**OC: 05/30/10**  
**Claimant: Appellant (1)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Appellant filed an appeal from a decision of a representative dated November 23, 2010, reference 03, which held claimant not able and available for work. After due notice, a telephone conference hearing was scheduled for and held on January 18, 2010. Claimant participated personally. Employer participated by Jeanie Hurd, Staff Development Specialist.

**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 works on call for this employer. Claimant changed her availability for hours when she went back to school on August 26, 2010. Claimant was no longer available for work because school being three hours drive from work.

**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 moved three hours away from work claimant has not established the ability to work. Benefits are withheld until such time as the claimant is able to return to work. Benefits shall be withheld effective September 5, 2010.

**DECISION:**

The decision of the representative dated November 23 2010, reference 03, is affirmed. Claimant is not eligible to receive unemployment insurance benefits, effective September 5, 2010, until claimant meets all other eligibility requirements.

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Marlon Mormann  
Administrative Law Judge

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Decision Dated and Mailed

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