

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GLEN A JOHNSTON
Claimant

APPEAL NO. 09A-UI-09871-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

FIRST FLEET INC
Employer

OC: 06/07/09
Claimant: Respondent (1)

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

The employer, First Fleet, filed an appeal from a decision dated June 29, 2009, reference 02. The decision allowed benefits to the claimant, Glen Johnston. After due notice was issued a hearing was held by telephone conference call on July 27, 2009. The claimant participated on his own behalf. The employer participated by Terminal Manager Matt Childs.

ISSUE:

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

FINDINGS OF FACT:

Glen Johnston filed a claim for unemployment benefits with an effective date of June 7, 2009. During the week from June 14 through 20, 2009, he was able to work the major portion of the week for his employer.

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".

The claimant is able and available for work with his regular employer during the week ending June 20, 2009.

DECISION:

The representative's decision of June 29, 2009, reference 02, is affirmed. Glen Johnston is eligible for benefits during the week ending June 20, 2009.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs