

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**RANDALL L ANDREWS**  
Claimant

**APPEAL 19A-UCX-00010-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 03/03/19**  
**Claimant: Appellant (4)**

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Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Randall Andrews (claimant) appealed a representative's July 18, 2019, decision (reference 06) that concluded he was not eligible to receive unemployment insurance benefits as of June 23, 2019 because he was employed. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on August 21, 2019. The claimant participated personally. The claimant offered and Exhibit A was received into evidence. The administrative law judge took official notice of the administrative record.

**ISSUE:**

The issue is whether the claimant is eligible to receive unemployment insurance benefits as of July 9, 2017.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant filed for unemployment insurance benefits with an effective date of March 3, 2019. He was a member of the United States Iowa National Guard and was in military training from June 24 to June 28, 2019, July 22 to July 26, 2019, and August 12 to August 16, 2019.

For years, the claimant has owned Lehigh Locker. He works approximately eight hours per week butchering chickens or deer, depending on the season. When he has a job, he butchers when he is not scheduled to work. The claimant is able to hold a job and continue his butchering business. On July 9, 2019, the claimant started working part-time at Fareway as a meat market person.

The claimant filed his weekly claim for the weeks ending June 29, July 6, and July 13, 2019. He received \$529.00 in unemployment insurance benefits for each week. He filed claims from July 14 to August 17, 2019, and was disqualified from receiving benefits for not being able and available for work. The claimant reported wages from his job at Fareway for the weeks ending July 20, 2019, and August 10, 2019.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow the administrative law judge concludes the claimant was not able and available for work for the weeks ending June 29, 2019, July 27, 2019, and August 17, 2019.

Iowa Admin. Code r. 871-24.23(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.

Iowa Admin. Code r. 871-24.23(7) provides:

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

(7) Where an individual devotes time and effort to becoming self-employed.

The claimant has the burden of proof in establishing his ability and availability for work. *Davoren v. Iowa Employment Security Commission*, 277 N.W.2d 602 (Iowa 1979). For the weeks ending June 29, 2019, July 27, 2019, and August 17, 2019, the claimant was working full-time for the Iowa National Guard. The claimant's butchering does not prohibit him from finding employment or working full-time hours. He is not self-employed to the extent that it prohibits him from being employed. The claimant is disqualified from receiving unemployment insurance benefits for the weeks ending June 29, 2019, July 27, 2019, and August 17, 2019, because he was not available for other work during those weeks.

**DECISION:**

The representative's July 18, 2019, decision (reference 06) is modified in favor of the claimant/appellant. The claimant is disqualified from receiving unemployment insurance benefits for the weeks ending June 29, 2019, July 27, 2019, and August 17, 2019, because he was not available for other work during those weeks.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/rvs