

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARY A SCHAMEL
Claimant

APPEAL NO. 11A-UI-09225-M

**ADMINISTRATIVE LAW JUDGE
DECISION**

4 SEASONS FUNDRAISING INC
Employer

OC: 06/05/11
Claimant: Appellant (1R)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated July 5, 2011, reference 01, which held claimant not able and available for work. After due notice, a hearing was scheduled for and held on August 24, 2011. Claimant participated personally. Employer participated by Dennis Horrigan, Human Resource Manager.

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 was on vacation for the one week ending June 25, 2011. Claimant did not assert entitlement to benefits for that one week. Claimant wanted to appeal the two weeks ending June 18, 2011.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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".

Benefits are withheld because claimant was on vacation for the one week ending June 25, 2011. This matter is remanded for an able and available determination for the two weeks ending June 18, 2011.

DECISION:

The decision of the representative dated July 5, 2011, reference 01, is affirmed and remanded. Claimant is not eligible to receive unemployment insurance benefits for the one week ending, June 25, 2011. This matter is remanded for a determination of whether claimant is able and available for work for the two weeks ending June 18, 2011.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/pjs