

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

FRANKIE R SYKES

Claimant

FIREHOUSE BAR AND GRILL INC

Employer

APPEAL 15A-UI-06042-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/05/15

Claimant: Appellant (2)

Iowa Code § 96.4(3) – Able and Available

STATEMENT OF THE CASE:

The claimant filed an appeal from the May 15, 2015, (reference 02) unemployment insurance decision that denied benefits finding her not able to and available for work. The parties were properly notified about the hearing. A telephone hearing was held on July 6, 2015. Claimant participated. Employer participated through Ken Paulson, Owner.

ISSUE:

Was the claimant able to and available for work?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was out of town for two days during the week ending May 9, 2015. She was able to work the majority of the week.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant is able to work and available for work.

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".

The claimant was not out of town the majority of the week. Accordingly, benefits are allowed, provided the claimant is otherwise eligible. (should the bold part be bold? **No, looked on the rough and it was, but right. Not bold**)

DECISION:

The May 15, 2015, reference 02, decision is reversed. The claimant is able to work and available for work effective May 3, 2015. Benefits are allowed, provided the claimant is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/mak