

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RICHARD L KHOUNLO
Claimant

APPEAL NO: 20A-UI-00317-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

WALMART INC
Employer

OC: 12/08/19
Claimant: Appellant (2)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the January 10, 2020, reference 02, decision that determined he was not able and available for work and denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on January 30, 2020. The claimant's father, Eric Khounlo, participated in the hearing on behalf of the claimant. Jonathen Garcia, Manager, participated in the hearing on behalf of the employer. Claimant's Exhibit A was admitted into evidence.

ISSUE:

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

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was ill and was a no-call/no-show December 7, 8 and 9, 2019. He recovered from his illness and was able and available for work effective December 8, 2019.

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 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 was ill for three days before recovering December 10, 2019. Accordingly, the claimant is considered able and available for work effective December 8, 2019. Benefits are allowed, **provided he is otherwise eligible**. (Emphasis added).

DECISION:

The January 10, 2020, reference 02, decision is reversed. The claimant is able to work and available for work effective December 8, 2019. Benefits are allowed effective the week ending December 14, 2019.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn