

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SARA K BRANDEL**  
Claimant

**APPEAL NO. 07A-UI-07941-MT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SIGNATURE PROP OF GOWRIE LLC**  
**GOWRIE CARE CENTER**  
Employer

**OC: 07/08/07 R: 01**  
**Claimant: Appellant (1)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated August 7, 2007, reference 01, which held claimant not able and available for work. After due notice, a telephone conference hearing was scheduled for and held on September 4, 2007. Claimant participated personally. Employer participated by Mary Ellen Carr, Administrator.

**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 having considered all of the evidence in the record, finds: Claimant was off work for a short time due to a non-work-related surgery. Claimant then failed to respond to employer's requests for availability. Claimant was required to call in and let the employer know when she was available to work. Claimant did not keep in touch with the employer. The employer made numerous attempts to contact claimant, to no avail. The employer was always short on help. It was claimant's responsibility to keep the employer informed of her availability for work.

**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".

Benefits are withheld until such time as the claimant has made herself available for assignment. Claimant did not come in and ask for work. Employer is short on help and just could not find the claimant so that she could be scheduled. Claimant was not able and available for work. Benefits withheld effective July 8, 2007.

**DECISION:**

The decision of the representative dated August 7 2007, reference 01, is affirmed. Claimant is not eligible to receive unemployment insurance benefits, effective July 8, 2007.

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Marlon Mormann  
Administrative Law Judge

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Decision Dated and Mailed

mdm/kjw