CHRISTINA HARRIS Claimant	**APPEAL 21A-UI-13884-AD-T** **ADMINISTRATIVE LAW JUDGE** **DECISION**
CROSSMARK INC Employer	
	OC: 02/14/21 **Claimant: Appellant (2R)**

Iowa Code section 96.4(3) – Able and Available for Work

STATEMENT OF THE CASE:

On June 11, 2021, Christina Harris (claimant/appellant) filed an appeal from the June 9, 2021 (reference 01) unemployment insurance decision that denied benefits as of February 14, 2021 based on a finding claimant was unduly limiting her availability for work.

A telephone hearing was set for August 13, 2021 at 9 a.m. The parties were properly notified of the hearing. Neither the Claimant nor Crossmark Inc. (employer/respondent) registered a number for the hearing. However, a related matter was set for hearing at 11 a.m. Claimant participated at that time, and that hearing record is adopted herein.

ISSUES:

Is the claimant able and available for work?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant was working part-time at Crossmark Inc. during the period at issue. Claimant was working for numerous other employers during that period as well, in an attempt to cobble together full-time employment. Claimant has been able and available for work during each week filed.

Claimant filed a claim for benefits each week from the benefit week ending February 20, 2021 and continuing through the benefit week ending August 14, 2021. Claimant has not been reporting her wages earned each week during each week filed but has instead been reporting biweekly pay as it was received.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the June 9, 2021 (reference 01) unemployment insurance decision that denied benefits as of February 14, 2021 based on a finding claimant was unduly limiting her availability for work is REVERSED. Claimant is eligible for benefits as set forth below.

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 administrative law judge finds claimant was able and available for work and therefore eligible for benefits during the weeks filed. Claimant was working for multiple employers during this period in an attempt to cobble together full-time work. This is wholly inconsistent with an individual who is unduly limiting her availability for work.

This matter must be remanded to the Department for a determination as to whether claimant was properly reporting wages earned during each week filed and accordingly whether and in what amount she was due benefits in each of those weeks.

DECISION:

The June 9, 2021 (reference 01) unemployment insurance decision that denied benefits as of February 14, 2021 based on a finding claimant was unduly limiting her availability for work is REVERSED. Claimant is eligible for benefits as set forth above.

REMAND:

This matter is REMANDED to the Department for a determination as to whether claimant was properly reporting wages earned during each week filed and accordingly whether and in what amount she was due benefits in each of those weeks.

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Andrew B. Duffelmeyer
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 478-3528

August 23, 2021
Decision Dated and Mailed

abd/scn