

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RACHEL SCHIES**  
Claimant

**APPEAL NO: 14A-UI-07374-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 03/30/14  
Claimant: Appellant (2)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the July 10, 2014, reference 05, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on August 11, 2014. The claimant participated in the hearing.

**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 and her boyfriend share a vehicle and she had not made any work searches prior to the fact-finding interview regarding her separation from employment held July 9, 2014. The claimant and her boyfriend shared a vehicle during her last period of employment and were able to get to work either through their vehicle or by sharing or finding rides from others.

The claimant has made her two in-person work searches since the fact-finding interview held July 9, 2014.

**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 effective the week ending July 12, 2014.

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 § 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as defined in § 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 § 96.5, subsection 3 are waived if the individual is not disqualified for benefits under § 96.5, subsection 1, paragraph "h".

The claimant does have sufficient transportation, to the same extent as she had during her last period of employment, to determine she is able and available for work. Accordingly, benefits are allowed.

**DECISION:**

The July 10, 2014, reference 05, decision is reversed. The claimant is able to work and available for work effective the week ending July 12, 2014. Benefits are allowed.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

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