

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KARRIE L HENDERSON**  
Claimant

**APPEAL NO. 10A-UI-03693-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ZALKIN INC**  
Employer

**OC: 01/31/10  
Claimant: Appellant (2-R)**

Section 96.4(3) – Able and Available

**STATEMENT OF THE CASE:**

The claimant, Karrie Henderson, filed an appeal from a decision dated March 5, 2010, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was scheduled to held by telephone conference call on April 22, 2010. Prior to the hearing the employer indicated in writing it did not intend to participate. The hearing was therefore held on March 30, 2010, with the consent of the claimant. The claimant participated on her own behalf. The employer, Zalkin, did not participate.

**ISSUE:**

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

**FINDINGS OF FACT:**

Karrie Henderson filed a claim for unemployment benefits with an effective date of January 31, 2010. She was employed by Zalkin since September 2004 as a full-time sales associate working 7:00 a.m. until 4:00 p.m., Monday through Friday.

Her hours began to be reduced due to a slowdown in business. When she filed for benefits her hours were between six and eight per week. She was available to work the entire 40 hours per week if the employer had scheduled her for that much time.

The portion of the business for which Ms. Henderson worked closed its doors on March 5, 2010, but some business is still being conducted at that location.

**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".

The claimant is able and available for work for the full 40 hours for which she was hired. There is nothing to prevent her from working full time as there are no issues with transportation, childcare or health matters.

The issue of whether the business is permanently closed should be remanded for determination.

**DECISION:**

The representative's decision of March 5, 2010, reference 01, is reversed. Karrie Henderson is able and available for work and is eligible for unemployment benefits.

The issue of whether the business is permanently closed is remanded to UIS division for determination.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/css