

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

MANDY RICHES Claimant IOWA WORKFORCE DEVELOPMENT DEPARTMENT	68-0157 (9-06) - 3091078 - EI APPEAL NO. 11A-EUCU-00766-ST ADMINISTRATIVE LAW JUDGE DECISION OC: 03/06/11 Claimant: Appellant (1)
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Section 96.4-3 – Able and Available
871 IAC 24.23(8) – Child Care

STATEMENT OF THE CASE:

The claimant appealed a department decision dated October 3, 2011, reference 02, that held she was not eligible for benefits effective September 25, 2011, because she did not have child care. A telephone hearing was scheduled for November 8, 2011. The claimant did not participate.

ISSUE:

Whether the claimant is able and available for work.

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds: The claimant was disqualified from receiving benefits based on her statement to a department representative she did not have child care in order to be able to accept work.

The claimant failed to respond to the hearing notice.

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 administrative law judge concludes that the claimant is not eligible for benefits effective September 25, 2011, due to a lack of child care. The decision is based on the department fact-finding record that claimant stated she lacked child care, which is an availability disqualifying issue. If the claimant has now made arrangements for child care in the event of a work offer, she needs to advise her local workforce center so this disqualification may be removed.

DECISION:

The department decision dated October 3, 2011, reference 02, is affirmed. The claimant is not eligible for benefits effective September 25, 2011, due to a child care availability disqualification.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/kjw