

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KELLY S MEHMEN

Claimant

APPEAL NO: 07A-UI-09901-LT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CENTRAL IOWA HOSPITAL CORP

Employer

**OC: 04/29/07 R: 02
Claimant: Appellant (2)**

20 CFR 617.22(g)(2) – TRA Reemployment Services
Iowa Code § 96.4(3) - Able and Available

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the October 16, 2007, reference 06, decision that denied benefits based upon her availability for work. After due notice was issued, a telephone conference hearing was held on November 14, 2007. Claimant participated. Employer participated through Barb Owca.

ISSUE:

The issue is whether claimant is able to and available for work effective August 5, 2007.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant is eligible for Trade Readjustment Allowances (TRA) benefits according to an administrative law judge's decision 07-IWDUI-133 and TRA 00021 dated October 12, 2007.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant is not required to be available for work as she has been found eligible for TRA benefits.

Iowa Code § 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".

20 CFR 617.22(g)(2) provides: Claimant "shall not be subject to ineligibility or disqualification for UI or TRA as a result of such termination or reduction in employment."

Claimant's eligibility for TRA benefits was established earlier in this claim year (original claim date April 29, 2007) as the administrative law judge's decision 07-IWDUI-133 and TRA 00021 dated October 12, 2007. By virtue of her established eligibility for TRA benefits and pursuant to 20 CFR 617.22(g)(2), claimant is not required to meet the requirements of Iowa Code § 96.4(3). Furthermore, employer's accounts (# 068842 and 104479) shall not be charged regardless of the reference 04 decision finding employer's protest untimely.

DECISION:

The October 16, 2007, reference 06, decision is reversed. Claimant is not required to be available for work or otherwise meet the requirements of Iowa Code § 96.4(3). Employer's accounts (# 068842 and 104479) shall not be charged.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/pjs