

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CAROLYN M DUDLEY**  
Claimant

**APPEAL NO. 11A-UI-05399-PT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**EXPRESS SERVICES INC**  
Employer

**OC: 06/06/10**  
**Claimant: Appellant (1)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated March 22, 2011, reference 03, which held claimant was not able and available for work. After due notice, a telephone conference hearing was scheduled for and held on May 17, 2011. Claimant participated personally. Employer failed to respond to the hearing notice and did not participate.

**ISSUE:**

The issue in this matter is whether claimant is able and available for work.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant was employed full time at Klein Tools from February 15, 2011 through March 7, 2011.

**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".

Inasmuch as claimant was employed full time the claimant was not unemployed and thus not eligible for benefits. Benefits are withheld from February 13, 2011 through March 5, 2011.

**DECISION:**

The decision of the representative dated March 22, 2011, reference 03, is affirmed. Benefits are withheld from February 13, 2011 through March 5, 2011.

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Ron Pohlman  
Administrative Law Judge

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Decision Dated and Mailed

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