

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RYAN R STEFFEN

Claimant

APPEAL NO. 11A-UI-04403-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

DESIGN BUILD STRUCTURES

Employer

OC: 02/13/11

Claimant: Respondent (1)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Design Build Structures (employer) appealed a representative's March 29, 2011 decision (reference 01) that concluded Ryan Steffen (claimant) was eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for April 28, 2011. The claimant did not provide a telephone number for the hearing and, therefore, did not participate. The employer participated by Mindy Walderbach, Accounting and Office Manager.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on June 19, 2006, as a full-time laborer. On February 14 and 15, 2011, the employer did not have work for the claimant. The claimant worked on February 16, 2011. On February 17, 2011, the claimant went home ill. The claimant called in sick on February 18, 2011. The claimant filed for unemployment insurance benefits with an effective date of February 13, 2011, but did not receive any unemployment insurance benefits.

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.

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".

The claimant was able and available to work the lion's share of his regular hours for the week ending February 20, 2011, but was scheduled to work fewer hours than regularly scheduled in the past. Accordingly, benefits are allowed.

DECISION:

The representative's March 29, 2011 decision (reference 01) is affirmed. The claimant is able to work and available for work the lion's share of the week ending February 20, 2011. Benefits are allowed, provided the claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs