

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BRENDA A WALLACE**  
Claimant

**APPEAL NO. 09A-UI-00648-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**STAFF SOURCE INC**  
Employer

**OC: 11/30/08 R: 2**  
**Claimant: Appellant (2)**

Section 96.4(3) – Able and Available

**STATEMENT OF THE CASE:**

The claimant, Brenda Wallace, filed an appeal from a decision dated January 7, 2009, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on January 30, 2009. The claimant participated on her own behalf and was represented by Lexi Isaacson. The employer, Staff Source, participated by Manager Ken Peterson. Exhibit A was admitted into the record.

**ISSUE:**

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

**FINDINGS OF FACT:**

Brenda Wallace began employment with Staff Source on December 27, 2007 and is currently employed as of the date of the hearing. The current claim for unemployment benefits was filed effective November 30, 2008. The claimant has established she has made sufficient arrangements for day care for her children to make herself available for assignments during any hours of the day or days of the week.

**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 has established proof she has made arrangements for day care during any days of the week or hours during the day. She has not otherwise placed any restrictions on the shifts she can work. The record establishes the claimant is able and available for work.

**DECISION:**

The representative's decision of January 7, 2009, reference 01, is reversed. Brenda Wallace is able and available for work and eligible for unemployment benefits effective November 30, 2008.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/kjw