

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**RENEE L MILLER
PO BOX 1251
SALEM AR 72576**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 04A-UI-01555-B4T
OC: 11-30-03 R: 02
Claimant: Appellant (2)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.4-3 – Whether Claimant is Able and Available for Work

STATEMENT OF THE CASE:

Renee L. Miller appealed from an unemployment insurance decision dated February 3, 2004, reference 04, that held, in effect, the claimant was not eligible to receive unemployment insurance benefits from January 11, 2004 through January 17, 2004 because she spent the major portion of her time relocating and was not available for work.

A telephone conference hearing was scheduled and held on March 1, 2004, pursuant to due notice. Renee L. Miller participated.

FINDINGS OF FACT:

The administrative law judge, having examined the entire record in this matter, finds that: Renee L. Miller was last employed with Buckeroos, Inc. in Nevada, IA. The claimant's employment was terminated and she filed her initial claim for benefits having an effective date of November 30, 2003. Subsequently, the claimant filed weekly claims for benefits for the benefit commencing with the benefit week ending December 13, 2003 through February 21, 2004. On one day during the benefit week ending January 17, 2004, the claimant moved to Salem, Arkansas to reside with a friend. The claimant packed and moved in one day and was available for work for the remainder of the week. The claimant's testimony established that she has made a reasonable effort to obtain work at a variety of jobs which she has previously been employed.

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's testimony is believable and justifies a finding that she was able and available for work during the benefit week ending January 17, 2004. The claimant moved in one day during that week but was able and available for work had she found employment in Nevada, Iowa or Salem, Arkansas, where she moved.

The administrative law judge concludes that Renee L. Miller is found able and available for work for the benefit week ending January 17, 2004, within the intent and meaning of Iowa Code Section 96.4-3.

DECISION:

The unemployment insurance decision dated February 3, 2004, reference 04, is reversed. Renee L. Miller is eligible to receive unemployment insurance benefits from January 11, 2004 through January 17, 2004.

sb/b