

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MICHELLE D PARKS
Claimant

APPEAL 20A-UI-08428-DB-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
EMPLOYER

OC: 04/05/20
Claimant: Appellant (2R)

Iowa Code § 96.4(3) – Able to and Available for Work

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the July 10, 2020 (reference 01) unemployment insurance decision that denied benefits finding that the claimant was not able to and available for work effective April 5, 2020. After due notice was issued, a telephone hearing was held on August 28, 2020. The claimant participated personally. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records.

ISSUE:

Was the claimant able to work and available for work effective August 28, 2020?

FINDINGS OF FACT:

Having heard the testimony and having examined the evidence in the record, the administrative law judge finds:

The claimant has been able to and available for work for each week that she has filed her weekly-continued claims for benefits. She started working again full-time effective Monday, August 24, 2020. Claimant's separation from employment with Express Services Inc. has not been investigated by the Benefits Bureau of Iowa Workforce Development. That issue shall be remanded for an initial investigation and determination.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant has established that she was able to and available for work effective April 5, 2020.

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 § 96.19, subsection 38, paragraph "b", subparagraph 1, or temporarily unemployed as defined in § 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 § 96.5, subsection 3 are waived if the individual is not disqualified for benefits under § 96.5, subsection 1, paragraph "h".

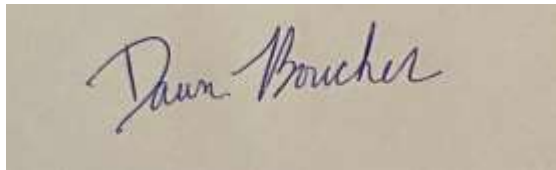
Claimant established that she was able to and available for work effective April 5, 2020. Benefits are allowed, provided she is otherwise eligible.

DECISION:

The July 10, 2020 (reference 01) decision is reversed. The claimant has established she was able to and available for work effective April 5, 2020. Benefits are allowed effective April 5, 2020, provided the claimant is otherwise eligible.

REMAND:

The issue of whether the claimant's permanent separation from employment with this employer is disqualifying is remanded to the Benefits Bureau for an initial investigation and determination.

A rectangular box containing a handwritten signature in cursive script that reads "Dawn Boucher".

Dawn Boucher
Administrative Law Judge

September 2, 2020
Decision Dated and Mailed

db/sam