

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

STEVEN T AYERS
Claimant

GO DADDY SOFTWARE INC
Employer

APPEAL NO. 16A-UI-08926-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 07/03/16
Claimant: Appellant (2)

Iowa Code § 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated August 12, 2016 reference 02, which held claimant not able and available for work. After due notice, a hearing was scheduled for and held on September 1, 2016. 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 removed from his job with employer on or around July 7, 2016. At the time of his removal claimant was told that he was being suspended, and employer would decide if claimant were allowed to get his job back. Claimant was asked to return all company property on July 7, 2016. Employer had no further contact with claimant until mid-August, 2016 when employer informed claimant of his COBRA rights.

At all times claimant has remained able and available for work. He started looking for a new job on July 8, 2016 and did so consistently until he got a job last week.

REASONING AND CONCLUSIONS OF LAW:

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 has established the ability to work. Additionally the claimant has established that his work separation occurred on or around July 7, 2016. Benefits shall be allowed effective July 3, 2016.

DECISION:

The decision of the representative dated August 12, 2016, reference 02 is reversed. Claimant is eligible to receive unemployment insurance benefits, effective July 3, 2016, provided claimant meets all other eligibility requirements.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/pjs