

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOHN G RUSK

Claimant

APPEAL NO: 14A-UI-01074-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

TRIBUNE PRINTING COMPANY INC

Employer

OC: 12/22/13

Claimant: Appellant (2)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

John Rusk (claimant) appealed a representative's January 27, 2014, decision (reference 01) that concluded he was not eligible to receive unemployment insurance benefits based on work with Tribune Printing Company (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for February 19, 2014. The claimant participated personally and through his wife, Charlotte Rusk. The employer participated by Ross Walker, Owner, and Donna Corry, Bookkeeper.

ISSUE:

The issue is whether the 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 that: The claimant was hired on October 3, 1983, as a full-time press man. Due to the lessening demands of the business the claimant's hours were reduced to 25 hours per week in March 2009, and 21 hours per week in August 2012. The employer laid off employees annually. The employer closed down on December 19, 2013, and reopened on January 7, 2014. The claimant was able and available for work. He filed for unemployment insurance benefits with an effective date of December 22, 2013.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant was able and available for work for the two-week period ending January 4, 2014.

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".

There was no evidence that there were any restriction or limitation on employability. Accordingly, benefits are allowed.

DECISION:

The representative's January 27, 2014, decision (reference 01) is reversed. The claimant was able and available for work for the two-week period ending January 4, 2014.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs