

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MIGUEL A MENDEZ-VALLEJO**  
Claimant

**APPEAL NO. 13A-UI-14320-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ADVANCE SERVICES INC**  
Employer

**OC: 11/24/13**  
**Claimant: Appellant (2)**

Section 96.4(3) – Able and Available

**STATEMENT OF THE CASE:**

The claimant, Miguel Mendez-Vallejo, filed an appeal from a decision dated December 20, 2013, reference 01. The decision found him ineligible to receive unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on January 23, 2014. The claimant participated on his own behalf and Anna Pottebaum acted as interpreter. The employer, Advance Services, did not participate.

**ISSUE:**

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

**FINDINGS OF FACT:**

The claimant was employed by Advance Services from March 2013 until November 24, 2013, doing agricultural work. The season ended and the employer was contacted within three days to request more work. No work was available. The claimant has transportation and is willing to commute to accept employment.

**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 record establishes the claimant is able and available and has placed no restrictions on employability.

**DECISION:**

The unemployment insurance decision dated December 20, 2013, reference 01, is reversed. The claimant is able and available for work and eligible for unemployment benefits.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

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