

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHAEL A TUEL
Claimant

APPEAL NO. 12A-UI-08884-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 01/22/12
Claimant: Appellant (1)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated July 17, 2012, reference 01, which held claimant not able and available for work. After due notice, a hearing was scheduled for and held on August 16, 2012. Claimant participated personally. Exhibits A and B were admitted into evidence.

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 laid off January 22, 2012. Claimant has a recall date of August 27, 2012. Claimant's unemployment has lasted more than four weeks.

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".

Claimant is no longer temporarily unemployed as the period of unemployment lasted more than four weeks.

Iowa Code section 96.19 (37)c provides:

An individual shall be deemed temporarily unemployed if
For a period, verified by the department, not to exceed four
consecutive weeks, the individual is unemployed due to a plant
shutdown, vacation, inventory, lack of work or emergency from the
individual's regular job or trade in which the individual worked
full-time and will again work full-time, if the individual's
employment, although temporarily suspended, has not been terminated.

Iowa Code section 96.5-1 provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

DECISION:

The decision of the representative dated July 17, 2012, reference 01, is affirmed. Claimant is required to make two work searches per week as he is no longer temporarily unemployed.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/pjs