

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ASHLEY E RIGDON
Claimant

EGS CUSTOMER CARE INC
Employer

APPEAL 16A-UI-11005-DGT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 09/11/16
Claimant: Respondent (1)**

Iowa Code § 96.4(3) – Ability to and Availability for Work

STATEMENT OF THE CASE:

The claimant filed an appeal from the October 6, 2016, (reference 01) unemployment insurance decision that allowed benefits. After due notice was issued, a hearing was set for hearing by telephone conference call on October 25, 2016. Employer responded to the hearing notice, claimant did not respond and did not participate. No hearing was held.

ISSUE:

Did the claimant file an appeal from a favorable decision?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed an appeal from a favorable decision holding that she was eligible for benefits. That appeal was set for hearing in error.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant filed an appeal from a favorable decision and the appeal was set for hearing in error.

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 filed an appeal from a favorable decision on the above-referenced issue, which was set for hearing in error. The representative's decision has become final and remains in full force and effect.

DECISION:

The October 6, 2016, (reference 01) unemployment insurance decision is affirmed. The claimant filed an appeal from a favorable decision, which was set for hearing in error. The representative's decision has become final and remains in full force and effect.

Duane L. Golden
Administrative Law Judge

Decision Dated and Mailed

dlg/pjs