

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**DARLENE A SPEARS**

Claimant

**APPEAL 19A-UI-07715-JC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**LE MARS COMMUNITY SCHOOL DISTRICT**

Employer

**OC: 09/08/19**

**Claimant: Appellant (2R)**

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

Iowa Admin. Code r. 871-24.22(2) – Able & Available - Benefits Eligibility Conditions

**STATEMENT OF THE CASE:**

The claimant/appellant, Darlene A. Spears, filed an appeal from the September 26, 2019, (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on October 23, 2019. The claimant participated. The employer did not respond to the notice of hearing to furnish a phone number with the Appeals Bureau and did not participate in the hearing. The administrative law judge took official notice of the administrative records. The fact-finding documents were unavailable at the time of hearing. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Is the claimant able to work and available for work effective September 8, 2019?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was most recently employed full-time as a school bus driver and was separated from employment on September 13, 2019. The issue of the claimant's permanent separation from employment has not yet been addressed by the Benefits Bureau.

Since establishing her claim for unemployment insurance benefits, the claimant has been conducting her weekly job search contacts, as required. She is looking for full-time employment, in a variety of fields including cashiering, cleaning and greeter. The job search contacts are consistent with her prior job experience. She has transportation available and has no other restrictions to her employment. She has not refused any offers of work.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant is able to and available for work effective September 8, 2019. Benefits are allowed, provided she is otherwise eligible.

For an individual to be eligible to receive benefits, he must be able to work, available for work, and actively seeking work as required by the unemployment insurance law. Iowa Code § 96.4(3). The claimant has the burden to show he is able to work, available for work, and earnestly and actively seeking work. The unemployment insurance rules require that an individual be physically and mentally able to work in some full time gainful employment, not necessarily in the individual's customary occupation, but a job which is engaged in by others as a means of livelihood. 871 IAC 24.22(1).

The claimant has established she is able to, available for, and actively seeking work consistent with her employment history. Benefits are allowed, provided she is otherwise eligible.

**REMAND:** The claimant's permanent separation with Le Mars Community School District is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

**DECISION:**

The September 26, 2019 (reference 01) initial decision is reversed. The claimant is able to and available for work effective September 8, 2019. Benefits are allowed, provided she is otherwise eligible. **REMAND:** The claimant's permanent separation with Le Mars Community School District is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

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Decision Dated and Mailed

jlb/scn