

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RANDY L REINHARDT**  
Claimant

**APPEAL NO. 14A-UI-10922-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**EXPRESS SERVICES INC**  
Employer

**OC: 09/14/14**  
**Claimant: Appellant (4)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Randy L. Reinhardt (claimant) appealed a representative's October 8, 2014 decision (reference 03) that concluded he was not qualified to receive unemployment insurance benefits by not being able and available for work. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on November 13, 2014. The claimant participated in the hearing. A review of the Appeals Section's conference call system indicates that the employer, Express Services, Inc. (employer), failed to respond to the hearing notice and provide a telephone number at which a witness or representative could be reached for the hearing and did not participate in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Was the claimant eligible for unemployment insurance benefits by being able and available for work?

**FINDINGS OF FACT:**

The claimant established an unemployment insurance benefit year effective September 14, 2014. At that time his fiancée was in the hospital and transitioning to a rehabilitation center due to a serious injury. The fiancée has legal custody of her granddaughter, who the claimant treated as his own foster daughter. As a result, the claimant was responsible for care of the fiancée's granddaughter, and, when the fiancée came home from the rehabilitation center, he was responsible for providing cares for his fiancée at least until she was well enough to put some weight on her feet, which was not until about November 10, 2014. Providing these cares for his foster daughter and his fiancée effectively prevented the claimant from being available for work until November 10, 2014.

**REASONING AND CONCLUSIONS OF LAW:**

With respect to any week in which unemployment insurance benefits are sought, in order to be eligible the claimant must be able to work, is available for work, and is earnestly and actively

seeking work. Iowa Code § 96.4-3. A claimant must remain available for work on the same basis as when his base period wages were accrued. Rule 871 IAC 24.22(2)f. Spending significant time providing care for a family member or caring for a child can result in a claimant not being able and available for work. Rule 871 IAC 24.23(8),(16),(37). Through November 8, 2014, the claimant was not adequately able and available for work. Beginning the week of November 9, the claimant is once more able and available for work. Benefits are allowed, if the claimant is otherwise eligible. Agency records indicate that the claimant is currently not otherwise eligible, due to a separation with a prior employer (Theisens, Inc.) from which he has not shown that he has requalified.

**DECISION:**

The representative's October 8, 2014 decision (reference 03) is modified in favor of the claimant. The claimant was not able to work and available for work effective September 14 through November 8, 2014. Effective the week of November 9, he is again able and available for work; as of that date the claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible, which he currently is not.

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Decision Dated and Mailed

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