

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SALLY J KERR
Claimant

APPEAL NO. 13A-UI-02715-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 04/03/11
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 February 28, 2013, reference 04, which held claimant not able and available for work. After due notice, a hearing was scheduled for and held on April 4, 2013. Claimant to responded to the hearing notice and did not participate as she was not available when called. Exhibit A was 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 failed to apply for work for the week ending February 9, 2013.

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".

Inasmuch as the claimant failed to apply for work for the one week, she is not eligible for benefits. Benefits are withheld for the one week ending February 9, 2013.

DECISION:

The decision of the representative dated February 28, 2013, reference 04 is affirmed. Claimant is not eligible to receive unemployment insurance benefits, effective the week ending February 9, 2013.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/pjs