

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LAURA E REDEPENNING
Claimant

APPEAL NO. 12A-UI-03383-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

KINSETH HOTEL CORPORATE
Employer

OC: 01/08/12
Claimant: Appellant (2)

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

The claimant, Laura Redepenning, filed an appeal from a decision dated March 28, 2012, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on April 18, 2012. The claimant participated on her own behalf. The employer, Kinseth, did not participate.

ISSUE:

The issue is whether the claimant able and available for work.

FINDINGS OF FACT:

Laura Redepenning began working at Super 8 Motel in Muscatine, Iowa, in April 2011. The hotel was sold to Kinseth May 2, 2011. She was a part-time housekeeper. In October 2011 the supervisor, Vickie, told the housekeepers they were coming into the “slow season” and they should either get a second job or file for unemployment benefits. Ms. Redepenning got a job of short duration with another company but only lasted about six weeks.

Kinseth sold the motel again in early April 2011 with the provision that the current employees would remain on the payroll for at least a week. Ms. Redepenning worked two days that week. After that she has called daily and been told by one of the owners there is no work available for her. The claimant is ready, willing and able to perform her housekeeping duties whenever the employer has work for her.

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".

The claimant has not worked for the new owners of the hotel after the first week of the new ownership as guaranteed by the sale. She remains ready, willing and able to perform her duties as required but no work is available to her. Benefits are allowed.

DECISION:

The representative's decision of March 28, 2012, reference 01, is reversed. Laura Redepenning is able and available for work and eligible, provided she is otherwise qualified.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css