

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DONOVAN R POPE
Claimant

APPEAL NO. 08A-UI-10322-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**DOBBS TEMPORARY SERVICES INC
PRO STAFF – DES MOINES**
Employer

**OC: 12-23-07 R: 02
Claimant: Respondent (1)**

Section 96.4-3 - Able and Available

STATEMENT OF THE CASE:

The employer filed a timely appeal from the October 27, 2008, reference 02, decision that allowed benefits. After due notice was issued, a hearing was held on November 19, 2008. The claimant did participate. The employer did participate through Betsy Bauman, Staffing Manager.

ISSUE:

Is the claimant able to and available for work?

FINDINGS OF FACT:

Having reviewed the testimony and all of the evidence in the record, the administrative law judge finds: Claimant is physically able to work and has been looking for work since his last separation from employment. The claimant is not restricting his hours of work or the location where he is seeking work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant is able to work and available for work.

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 is physically able to work and is seeking work. He is not restricting his ability to work. Accordingly, benefits are allowed.

DECISION:

The October 27, 2008, reference 02, decision is affirmed. The claimant is able to work and available for work effective August 19, 2008. Benefits are allowed.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/kjw