

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PAUL S HUM
Claimant

APPEAL NO. 12A-UI-06467-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

LYNCH LIVESTOCK
Employer

OC: 03/06/11
Claimant: Appellant (2)

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

The claimant, Paul Hum, filed an appeal from a decision dated May 25, 2012, reference 03. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on June 26, 2012. The claimant participated on his own behalf. The employer, Lynch Livestock, participated by Human Resources Manager Laurie Thompson.

ISSUE:

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

FINDINGS OF FACT:

Paul Hum filed a claim for unemployment benefits with an effective date of March 6, 2011. His last level of education completed was high school and he has had no job experience except with livestock management and some barbeque cooking. He has no physical restrictions and is able to drive.

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 record does not establish any restrictions on the claimant's physical activities or his availability for full-time work. He is eligible for benefits.

DECISION:

The representative's decision of May 25, 2012, reference 03, is reversed. Paul Hum is able and available for work and eligible for unemployment benefits.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

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