

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

STEPHANIE M CAMARATA
3815 – 66TH ST APT 59
URBANDALE IA 50322

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 04A-UI-06145-AT
OC: 01-25-04 R: 03
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.4-3 – Eligibility for Benefits

STATEMENT OF THE CASE:

Stephanie M. Camarata filed a timely appeal from an unemployment insurance decision dated May 26, 2004, reference 05, which denied benefits to her for the week ending May 22, 2004 upon a finding that she was not available for work. After due notice was issued, a telephone hearing was held June 14, 2004 with Ms. Camarata participating.

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: During the week of May 16 to May 22, 2004,

Stephanie M. Camarata made preparations to move from Waterloo to Des Moines. She was too busy to search for work. Because of the impending move she would not have accepted a job in Waterloo and because she had not yet moved she could not accept work in Des Moines.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Ms. Camarata is eligible for unemployment insurance benefits for the week ending May 22, 2004. She is not.

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 availability for work requirement means that an individual must be in a position to accept work if a job is offered. The evidence here is that because of Ms. Camarata's preparation for moving, she could not have accepted work in either Waterloo or Des Moines. Under these circumstances, she did not meet the eligibility requirement of being available for work during the week in question. Benefits must be withheld for that week.

DECISION:

The unemployment insurance decision dated May 26, 2004, reference 05, is affirmed. The claimant is ineligible for unemployment insurance benefits for the week ending May 22, 2004.

tjc/tjc