

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BRADY FRAZIER

Claimant

APPEAL 16A-UI-12043-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

BROCK SERVICES LLC

Employer

OC: 10/02/16

Claimant: Respondent (1R)

Iowa Code § 96.4(3) – Ability to and Availability for Work

Iowa Admin. Code r. 871-24.22(2) – Able & Available - Benefits Eligibility Conditions

STATEMENT OF THE CASE:

The employer filed an appeal from the October 27, 2016, (reference 01) unemployment insurance decision that allowed benefits based upon claimant's availability for work. The parties were properly notified about the hearing. A telephone hearing was held on November 28, 2016. Claimant participated. Employer participated through human resource coordinator Dashara Holt and regional human resource manager Christopher Gordon. Employer's Exhibit 1 was received.

ISSUE:

Is the claimant able to work and available for work effective October 2, 2016?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant has been able to and available for work since filing his claim on October 2, 2016, and has performed required job searches.

Claimant has been separated from employer and no initial decision has been issued in regard to whether this separation disqualifies claimant from receiving benefits.

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 § 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".

Claimant has no medical restriction or other limitation on employability effective October 3, 2016. Accordingly, benefits are allowed.

DECISION:

The October 27, 2016, (reference 01), decision is affirmed. The claimant is able to work and available for work effective October 2, 2016. Benefits are allowed, provided claimant is otherwise eligible.

REMAND: This matter has been remanded for an initial determination on whether claimant's separation from employment with this employer disqualifies him from receiving benefits.

Christine A. Louis
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Decision Dated and Mailed

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