

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

LORI A BLACKFORD  
PO BOX 4602  
SIOUX CITY IA 51104

IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT

Appeal Number: 06A-UI-00247-HT  
OC: 12/04/05 R: 01  
Claimant: Appellant (2)

**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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

The claimant, Lori Blackford, filed an appeal from a decision dated January 4, 2006, reference 02. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was scheduled to be held by telephone conference call on January 24, 2006. Prior to the hearing date it was determined no hearing was necessary.

FINDINGS OF FACT:

Having examined all of the evidence in the record, the administrative law judge finds: Lori Blackford filed a claim for unemployment benefits with an effective date of December 4, 2005.

A decision was issued on January 4, 2006, finding her not able and available for work and therefore ineligible for benefits.

Iowa Workforce Development Department issued another decision dated January 11, 2006, reference 04, finding Ms. Blackford had provided medical documentation she was able and available for work as of the effective date of her claim. That decision amended the decision in this case.

#### 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".

Subsequent to the effective date of this decision, a subsequent decision has removed the ineligibility finding. Ms. Blackford is able and available for work.

#### DECISION:

The representative's decision of January 4, 2006, reference 02, is reversed. Lori Blackford is able and available for work and eligible for unemployment benefits, provided she is otherwise qualified.

bgh/pjs