

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MIRZIJA KAZAZIC
Claimant

APPEAL NO. 09A-UI-17308-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Original Claim: 01/25/09
Claimant: Appellant (2)**

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

The claimant, Mirzija Kazazic, filed an appeal from a decision dated November 3, 2009, reference 07. The decision disqualified him from receiving unemployment benefits, as he was not able and available for work. After due notice was issued, a hearing was held by telephone conference call on December 22, 2009. The claimant participated on his own behalf and Aldijana Radoncic acted as interpreter.

ISSUE:

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

FINDINGS OF FACT:

The claimant is currently laid off from his regular employer. There are no restrictions on the type of work he can do or the hours he can work.

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 claimant is currently able and available for work without restrictions on hours or duties.

DECISION:

The representative's decision of November 3, 2009, reference 07, is reversed. Mirzija Kazazic is able and available for work and eligible for benefits, provided he is otherwise qualified.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw