

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHAEL A DECKER
Claimant

APPEAL NO. 11A-EUCU-00034-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 05/16/10
Claimant: Appellant (2)**

Section 96.4-3 – Eligibility for Benefits

STATEMENT OF THE CASE:

Michael A. Decker filed a timely appeal from an unemployment insurance decision dated December 30, 2010, reference 03, that denied benefits to him effective May 16, 2010 upon a finding that he was unduly limiting his availability for work. After due notice was issued, a telephone hearing was held February 12, 2011 with Mr. Decker participating. Jessica Decker also participated on his behalf.

ISSUE:

Does the claimant meet the eligibility requirements necessary to receive unemployment insurance benefits?

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Michael A. Decker filed a claim for unemployment insurance benefits effective May 16, 2010 after returning from a deployment in Iraq. He did not begin a work search until January 2011. He is considering going to school, but he has not applied for Department Approved Training or Training Extension Benefits. His last civilian job had been in the restaurant industry. He is seeking work in that industry now. He also has job skills in the field of vehicle mechanics and inventory control.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes that the claimant is eligible for unemployment insurance benefits. The administrative law judge concludes from the evidence that benefits are allowed effective January 2, 2011.

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".

It is clear from the testimony in this record that Mr. Decker does not have a clear long-range career plan. However, it does establish that he has recently begun seeking work and is willing to consider other occupations as he ponders his long-term future. The administrative law judge concludes that benefits are allowable beginning January 2, 2011 as long as the claimant in good faith seeks employment.

DECISION:

The unemployment insurance decision dated December 30, 2010, reference 03, is reversed. The claimant is entitled to receive unemployment insurance benefits effective January 2, 2011, provided he is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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