

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TODD ZAMBRANO
Claimant

APPEAL NO. 11A-UI-07617-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 04-10-11
Claimant: Appellant (2)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the June 7, 2011, reference 02, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on June 29, 2011. The claimant participated in the hearing.

ISSUE:

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

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant indicated he was planning to go to Arizona to visit a relative who was in a coma the week ending June 11, 2011. His relative recovered, however, and consequently he did not leave the state to visit another area and was able and available for work that week. He does need to report for reemployment services.

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 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".

While the claimant initially indicated he would be out of town the week ending June 11, 2011, he actually did not have to go out of town in the end. He did miss his reemployment services class and needs to reschedule that immediately. Accordingly, benefits are allowed, as the claimant is able and available for work.

DECISION:

The June 7, 2011, reference 02, decision is reversed. The claimant is able to work and available for work effective the week ending June 11, 2011. Benefits are allowed.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/kjw