

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JEANNE M WEHR
Claimant

APPEAL NO. 15A-UI-04754-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 02/08/15
Claimant: Appellant (1)

Iowa Code § 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated April 9, 2015 reference 04, which held claimant not able and available for work. After due notice, a hearing was scheduled for and held on May 28, 2015. Claimant participated personally.

ISSUE:

The issue in this matter is whether claimant is able and available for work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: On or about Tuesday, March 24, 2015 through March 26, 2015 claimant moved from Iowa to Montana to live with her daughter. Her daughter lives a good distance outside a city and claimant did not have access to any computer. Claimant was not able and available for work for the week of March 22, 2015 through March 28, 2015.

REASONING AND CONCLUSIONS OF LAW:

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".

The claimant has not established the ability to work for the time period of March 22, 2015 to March 28, 2015. Benefits are withheld for that week.

DECISION:

The decision of the representative dated April 9, 2015, reference 04 is affirmed. Claimant is not eligible to receive unemployment insurance benefits, effective March 22, 2015 to March 28, 2015, but shall be eligible to receive benefits effective March 29, 2015, provided claimant meets all other eligibility requirements.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/pjs