

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SOLEDAD G LOPEZ AVALOS
Claimant

APPEAL NO: 15A-UI-00295-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

ALANIZ LLC
Employer

OC: 07/13/14
Claimant: Respondent (1/R)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Alaniz LLC (employer) appealed a representative's January 7, 2015 (reference 01) decision that concluded Soledad Lopez Avalos (claimant) was eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for February 4, 2015. The claimant did not provide a telephone number for the hearing and, therefore, did not participate. The employer participated by Mike Owens, Human Resources Generalist, and Luis Ramos, Mail Shop Manager.

ISSUE:

The issue is whether the 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 that: The claimant was hired on August 18, 2014 as a full-time machine operator. The claimant was placed on lay off on December 5 and 6, 2014. She worked on December 7, 2014. She was not scheduled to work on December 8 and 9, 2014. She reopened her claim for unemployment insurance benefits with an effective date of December 7, 2014. On December 10 and 11, 2014 the claimant was laid off for lack of work by the employer. The claimant did not return to work after December 11, 2014. The employer considered the claimant to have quit. The employer is unaware of anything that prevents the claimant from working.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant was able and available for work beginning December 7, 2014.

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".

There was no evidence that there were any restriction or limitation on employability. Accordingly, benefits are allowed.

The issue of the claimant's separation from employment is remanded for determination.

DECISION:

The representative's January 7, 2015 (reference 01) decision is affirmed. The claimant is able and available for work beginning December 7, 2014. The issue of the claimant's separation from employment is remanded for determination.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

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