

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JEFFERY L VECERA
Claimant

APPEAL NO. 11A-UI-08983-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

AVENTURE STAFFING & PROFESSIONAL
Employer

OC: 09/26/10
Claimant: Appellant (2)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated June 29, 2011, reference 02, which held claimant not able and available for work. After due notice, a telephone conference hearing was scheduled for and held on August 1, 2011. Claimant participated personally. Employer participated by Kayla Neuhalphen, Human Resources and Deb Upah, Branch Manager. Exhibit One was admitted into evidence.

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: Claimant last worked for employer March 25, 2011. Claimant made himself available for part-time work only. Claimant had another job that he worked occasionally on a farm. Claimant had conflicts with taking his mother to the doctor. Claimant was so busy with other things that he was not available for work. Claimant as of August 1, 2011 is able and available for full-time work. Claimant has now cleared all the conflicts and can work full time.

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".

Inasmuch as the claimant is available for full-time work he has established the ability to work. Benefits shall be allowed effective August 1, 2011. Claimant had multiple conflicts prior to the hearing date. Claimant did not establish the ability to work full time prior to hearing.

DECISION:

The decision of the representative dated June 29 2011, reference 02, is reversed. Claimant is eligible to receive unemployment insurance benefits, effective August 1, 2011, provided claimant meets all other eligibility requirements.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/css