

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SASA GAVRIC
Claimant

APPEAL 17A-UI-01994-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 12/25/16
Claimant: Appellant (2R)**

Iowa Code § 96.4(3) – Able to and Available for Work

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the February 13, 2017 (reference 04) unemployment insurance decision that found claimant was not eligible for unemployment insurance benefits. The claimant was properly notified of the hearing. The claimant provided a statement in lieu of testimony. No telephone hearing was held. Claimant's Exhibits A and B were admitted. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records.

ISSUES:

Is the claimant able to work and available for work effective December 25, 2016?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant provided a statement on February 27, 2017 that he was on temporary layoff from his employer, Bertch Cabinets, and was willing, able, and available for work. See Exhibit A. Claimant provided documentation regarding whether he was legally authorized to work in the United States. See Exhibit B.

The question of whether the claimant has provided sufficient documentation regarding whether he is legally authorized to work in the United States will be remanded to the appropriate staff of Iowa Workforce Development for an investigation and determination.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is able to and available for work.

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 § 96.19, subsection 38, paragraph "b", subparagraph 1, or temporarily unemployed as defined in § 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 § 96.5, subsection 3 are waived if the individual is not disqualified for benefits under § 96.5, subsection 1, paragraph "h".

The claimant was able to and available for work while he was on temporary layoff from his employer. Claimant is able to and available for work effective December 25, 2016.

DECISION:

The February 13, 2017 (reference 04) unemployment insurance decision is reversed. The claimant is able to and available for work effective December 25, 2016 and benefits are allowed, provided he is otherwise eligible.

REMAND: The issue of whether claimant provided documentation sufficient to establish that he was legally authorized to work in the United States that was delineated in the findings of fact is remanded to the appropriate staff of Iowa Workforce Development for an investigation and determination.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

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