

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

MONE KEONINH
1401 CARR ST
RUTHVEN IA 51358

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 04A-UI-08436-HT
OC: 12/14/03 R: 01
Claimant: Appellant (2)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

The claimant, Mone Keoninh, filed an appeal from a decision dated July 27, 2004, reference 02. The decision found her ineligible from receiving unemployment benefits. After due notice was issued, a hearing was scheduled by telephone conference call on August 27, 2004. The claimant did not participate personally but submitted a written statement in lieu of testimony which was admitted as Exhibit A.

FINDINGS OF FACT:

Having examined all of the evidence in the record, the administrative law judge finds: Mone Keoninh filed an additional claim for benefits with an effective date of July 4, 2004. She was on

a one-week temporary layoff from her regular employer. She received one week of benefits and returned to work.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is ineligible. The judge concludes she is not.

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".

The decision states the claimant failed to report to her local Workforce Center. However, there is nothing in the record to indicate if and when she was to report and for what reason. There is no evidence to support the decision she was ordered to report and failed to do so. Therefore, the ineligibility sanction should be removed.

DECISION:

The representative's decision of July 27, 2004, reference 02, is reversed. Mone Keoninh is eligible for benefits.

bgh/tjc