

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KENDRICK D BRUCE
Claimant

APPEAL NO. 11A-UI-04134-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CITY OF WATERLOO FINANCE DEPARTME
Employer

OC: 12/19/10
Claimant: Respondent (1)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Employer filed an appeal from a decision of a representative dated March 29, 2011, reference 02, which held claimant able and available for work. After due notice, a telephone conference hearing was scheduled for and held on April 25, 2011. Claimant participated personally. Employer participated by Bob Stringer, human resource director; Mary Peterson, administrative secretary; Cheryl Huddleston, human resource manager, and Rick Curran, facilities 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 having considered all of the evidence in the record, finds: Claimant is able and available for full-time work effective February 13, 2011. Claimant is earnestly and actively seeking employment. There are no impediments on claimant's employability.

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".

Benefits shall be allowed effective February 13, 2011, as claimant is able and available for work.

DECISION:

The decision of the representative dated March 29, 2011, reference 02, is affirmed. Claimant is eligible to receive unemployment insurance benefits, effective February 13, 2011, provided claimant meets all other eligibility requirements.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/kjw