

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOEL R ANDERSON

Claimant

APPEAL NO. 16A-UI-06957-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

UNITED PARCEL SERVICE

Employer

OC: 04/10/16

Claimant: Appellant (2/R)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Joel Anderson (claimant) appealed a representative's June 16, 2016 (reference 01) decision that concluded he was not eligible to receive unemployment insurance benefits as of May 8, 2016, because he was not willing to work for United Parcel Service (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for July 13, 2016. The claimant participated personally. The employer participated by Sharon Leonard, Dispatch Manager. Exhibit D-1 was received into evidence.

ISSUE:

The issue is whether the claimant is 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 worked for the employer from July 7, 2014 to the present. On May 8, 2016, the dispatch manager told the claimant there was no work available for the coming week and placed him on layoff. Later there was work available but the employer did not notify the claimant about the work. The claimant was able and available for work as of May 8, 2016.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant was able and available for work as of May 8, 2016.

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 overpayment is remanded for determination.

DECISION:

The representative's June 16, 2016 (reference 01) decision is reversed. The claimant is able and available for work as of May 8, 2016. The issue of the overpayment is remanded for determination.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/can