

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

GEORGE A ANDERSON
Claimant

RES AMERICAS
Employer

APPEAL 17A-UI-12246-CL-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 10/29/17
Claimant: Appellant (4)

Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Admin. Code r. 871-24.22(2) – Able & Available - Benefits Eligibility Conditions

STATEMENT OF THE CASE:

The claimant filed an appeal from the November 21, 2017, (reference 02) unemployment insurance decision that denied benefits based upon his availability for work. The parties were properly notified about the hearing. A telephone hearing was held on December 18, 2017. Claimant participated. Employer did not register for the hearing and did not participate.

ISSUES:

Is the claimant able to work and available for work?
Is claimant employed at the same hours and wages?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was temporarily laid off during the one week ending November 4, 2017. Claimant then went back to work for employer and was laid off again on November 29, 2017. Claimant has not worked since November 28, 2017. Claimant has not filed a weekly claim for benefits outside of the weeks for which he is eligible.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant was able to work and available for work during the one week ending November 4, 2017, and effective November 29, 2017.

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".

Iowa Admin. Code r. 871-24.23(23) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(23) The claimant's availability for other work is unduly limited because such claimant is working to such a degree that removes the claimant from the labor market.

Claimant was laid off and did not work during the one week ending November 4, 2017, and effective November 28, 2017. Claimant was able to and available for work during these weeks.

DECISION:

The November 21, 2017, (reference 02) unemployment insurance decision is modified in favor of claimant. The claimant is able to work and available for work during the one week ending November 4, 2017, and effective November 29, 2017. Benefits are allowed during these time periods.

Christine A. Louis
Administrative Law Judge
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Decision Dated and Mailed

cal/scn