

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

EMILY KUHN
Claimant

APPEAL NO. 11A-UI-08157-WT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 4/17/11
Claimant: Appellant (2)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Claimant filed an appeal from a fact-finding decision dated June 8, 2011, reference 01, which held claimant not able and available for work for the week ending June 11, 2011. After due notice, a telephone conference hearing was scheduled for and held on May 11, 2011. Claimant participated personally.

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 considered all of the evidence in the record, finds as follows. The claimant was given the opportunity to participate in the Reemployment Services program through IowaWORKS. She did not respond to initial attempts to participate in the program because she did not receive the notices. Once she received the notices, she immediately complied.

REASONING AND CONCLUSIONS OF LAW:

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".

The claimant was sent notices to participate in the Reemployment Services program through her local IowaWORKS office. Once she received the notices, she immediately complied. The claimant was, at all relevant times, able and available for work.

DECISION:

The decision of the representative dated June 8, 2011, reference 01, is reversed. Claimant was able and available for work and therefore is eligible to receive unemployment insurance benefits as of June 5, 2011.

Joseph L. Walsh
Administrative Law Judge

Decision Dated and Mailed

jlw/pjs