

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JENNIFER F STOUT
Claimant

APPEAL NO. 12A-UI-05789-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

RM ENTERPRISES INC
Employer

OC: 04/01/12
Claimant: Respondent (1)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

RM Enterprises (employer) appealed a representative's May 7, 2012 decision (reference 01) that concluded Jennifer Stout (claimant) was eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 11, 2012. The claimant participated personally. The employer participated by Rhonda Coborn, president.

ISSUE:

The issue is whether the claimant is disqualified for being unavailable for work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant was hired on March 14, 2012, as a full-time temporary production assistant assigned to work at Crescent Park. The claimant's child was hospitalized on April 16, and 17, 2012. On April 18, and 19, 2012, the claimant asked the employer for work but none was available. The claimant worked on April 20, 2012. On April 23, 24, 25, and 26, 2012, the claimant asked the employer for work but none was available. The claimant worked on April 27, 2012. She continued to work for the employer after April 27, 2012. The claimant filed for unemployment insurance benefits for the two-week period ending April 28, 2012.

REASONING AND CONCLUSIONS OF LAW:

The claimant is able and available for work and qualified to receive unemployment insurance benefits.

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 claimant was able and available for the lion's share of each of the two weeks ending April 28, 2012. The employer did not have work for the claimant. The claimant is qualified to receive unemployment insurance benefits.

For the reasons that follow, the administrative law judge concludes that the claimant is able to work and available for work.

DECISION:

The representative's May 7, 2012 decision (reference 01) is affirmed. The claimant is qualified to receive unemployment insurance benefits for the two-week period ending April 28, 2012.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/kjw