

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RICKY D HANSON

Claimant

APPEAL NO. 11A-UI-04361-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SWINE GRAPHICS ENTERPRISES LP

Employer

OC: 03/06/11

Claimant: Appellant (2)

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

The claimant, Ricky Hanson, filed an appeal from a decision dated March 31, 2011, reference 01. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on April 27, 2011. The claimant participated on his own behalf. The employer, Swine Graphics, participated by Human Resources Director Steve Fiorello.

ISSUE:

The issue is whether the claimant is able and available.

FINDINGS OF FACT:

Ricky Hanson was employed by Swine Graphics beginning November 2010. He is still employed on an on-call, as-needed basis as a truck washer. Iowa Workforce Development has granted him DAT status from January 9 through May 7, 2011.

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 is currently under DAT status and does not need to be able and available for work until after May 7, 2011.

DECISION:

The representative's decision of March 31, 2011, reference 01, is reversed. Ricky Hanson is under DAT status and does not need to be able and available for work until after May 7, 2011.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs