

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TANIA J GALLEGOS
Claimant

APPEAL NO: 15A-UI-12947-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 10/18/15
Claimant: Appellant (2)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Tania Gallegos (claimant) appealed a representative's November 19, 2015, decision (reference 02) that denied unemployment insurance benefits. After due notice was issued, a hearing was held on December 10, 2015. The claimant participated personally.

ISSUE:

The issue is whether the 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 that: The claimant was laid off from Wells Blue Bunny on October 4, 2015. She filed for unemployment insurance benefits with an effective date of October 18, 2015. The claimant's average weekly wage during her highest quarter of wages was \$746.60. During the week ending October 31, 2015, a woman asked the claimant if she wanted to clean houses for her. The claimant would work twenty-five hours a week at a rate of pay of \$8.25 per hour or \$206.25 per week. The claimant was unclear whether she would be working as a subcontractor or as an employee. The claimant refused the offer of work. When she reported to Iowa Workforce Development for the week ending October 31, 2015, she reported that she refused to work. She meant to say she refused a job offer. The claimant was able and available for work for the week ending October 31, 2015. On November 10, 2015, she took a new job working at Mary Elizabeth Daycare and Preschool.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant is able and available for work for the week ending October 31, 2015.

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.

DECISION:

The representative's November 19, 2015, decision (reference 02) is reversed. The claimant is able and available for work for the one-week period ending October 31, 2015.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs