

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**TIM D KANE**  
Claimant

**APPEAL NO. 16A-UI-07145-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**RAINING ROSE INC**  
Employer

**OC: 05/22/16**  
**Claimant: Respondent (1)**

Iowa Code § 96.4(3) – Able and Available

**STATEMENT OF THE CASE:**

Raining Rose (employer) appealed a representative's June 17, 2016, decision (reference 01) that concluded Tim Kane (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 scheduled for July 18, 2016. The claimant did not provide a telephone number for the hearing and, therefore, did not participate. The employer participated by Erin Brown, Human Resources Generalist. Exhibit D-1 was received into evidence. The employer offered and Exhibit One was received into evidence.

**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 considered all of the evidence in the record, finds that: The claimant was hired on July 28, 2014, as a full-time production line worker. The claimant was laid off from May 25, 2016, to June 4, 2016.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant was able and available for work as of May 22, 2016.

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 June 17, 2016, decision (reference 01) is affirmed. The claimant is able and available for work as of May 22, 2016.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/pjs