

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEBRA L DELAIR
Claimant

APPEAL NO. 09A-UI-03250-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 01/25/09
Claimant: Appellant (4)

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

The claimant, Debra Delair, filed an appeal from a decision dated February 20, 2009, reference 02. The decision found the claimant ineligible to receive unemployment benefits. After due notice was issued a hearing was held by telephone conference call on March 23, 2009. The claimant participated on her own behalf. Exhibit A was admitted into the record.

ISSUE:

The issue is whether the claimant is able and available for work.

FINDINGS OF FACT:

Debra Delair filed a claim for unemployment benefits with an effective date of January 25, 2009. She had been under treatment since late December 2008. She was released from the “intensive” part of the program effective March 9, 2009. Prior to that she had been in various individual and group therapy sessions for more than 15 hours per week. Currently she has only one flexible session per week.

REASONING AND CONCLUSIONS OF LAW:

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 is currently able and available for work since being released from the intensive portion of her treatment program on March 9, 2009.

DECISION:

The representative's decision of February 20, 2009, reference 02, is modified in favor of the appellant. Debra Delair is able and available for work effective March 9, 2009.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs