

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KENT R JOHNSON
Claimant

APPEAL NO. 09A-UI-07394-E2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

NID INC
Employer

OC: 06/08/08
Claimant: Respondent (1)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Employer filed an appeal from a decision of a representative dated May 5, 2009, reference 02, which held claimant able and available for work. After due notice, a telephone conference hearing was scheduled for and held on June 8, 2009. Claimant participated personally. Employer participated by Stephanie Gardner, Aaron Boyenga and Jeremy Gouge. Exhibit One was admitted into evidence.

ISSUE:

The issue in this matter is whether 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: The claimant left his employment in July of 2008 with NID. In November he obtained part-time work with Farm Bureau through the first of April. The claimant then filed a claim for unemployment. The claimant is available to work full time and any shift.

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 has is able and available for work. He has not restricted his hours and is looking for work.

DECISION:

The decision of the representative dated May 5 2009, reference 02 is affirmed. Claimant is eligible to receive unemployment insurance benefits, provided claimant meets all other eligibility requirements.

James Elliott
Administrative Law Judge

Decision Dated and Mailed

jfe/css