

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CHRISTY M LENSCH**  
Claimant

**APPEAL NO. 07A-UI-04882-MT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**RICHELIEU FOODS INC**  
Employer

**OC: 04/08/07 R: 01  
Claimant: Respondent (2)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Employer filed an appeal from a decision of a representative dated May 7, 2007, reference 01, which held claimant able and available for work. After due notice, a telephone conference hearing was scheduled for and held on May 30, 2007. Claimant participated personally. Employer participated by Larry Rasmussen, Controller, and Dale Akkerman, Production Manager. Claimant failed to respond to the hearing notice and did not participate. Exhibits One through Four were 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 having considered all of the evidence in the record, finds: Claimant filed for unemployment effective April 8, 2007, claiming a temporary layoff. Claimant was not laid off. Claimant was working the same hours she had always worked. Claimant worked 35 to 40 hours per week. Claimant was employed full time from April 8 through the day she quit, April 25, 2007.

**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".

Inasmuch as the claimant was employed full time, claimant has not established that she was able and available for work. Full-time employment indicates that claimant cannot accept other work. Benefits are withheld until such time as the claimant establishes that she is not working full-time hours. Benefits shall be withheld effective April 8, 2007.

**DECISION:**

The decision of the representative dated May 7 2007, reference 01, is reversed. Claimant is not eligible to receive unemployment insurance benefits, effective April 8, 2007, until claimant meets all eligibility requirements.

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Marlon Mormann  
Administrative Law Judge

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Decision Dated and Mailed

mdm/kjw