

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SUSAN W NJOROGÉ
Claimant

APPEAL NO. 07A-UI-07602-LT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CARING HANDS & MORE LLC
Employer

OC: 07/08/07 R: 03
Claimant: Appellant (2)

Iowa Code § 96.4(3) - Able and Available

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the August 1, 2007, reference 01, decision that denied benefits. After due notice was issued, a telephone conference hearing was held on August 20, 2007. Claimant participated. Employer did not participate.

ISSUE:

The issue is whether claimant is able to and available for work effective May 30, 2007.

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: Claimant was employed as a full-time (Monday through Friday 9 p.m. to 7 a.m.) care giver assigned to a particular patient/client until July 4, 2007, when she was laid off due to a lack of work when the client no longer desired employer's services. She also works for NCS Pearson Inc., full-time, on first shift and was placed on a seasonal layoff as of July 2, 2007. Since July 4, claimant has worked hours that are available with reasonable notice and has reported wages. She is seeking other work as well.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant is able to work and available for work.

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".

Since claimant is available to work her regular hours as she had in the base period history but employer has no hours or only greatly reduced hours, she is considered unemployed but available for work. Accordingly, benefits are allowed.

DECISION:

The August 1, 2007, reference 01, decision is reversed. The claimant is able to work and available for work effective May 30, 2007 (the representative's decision issue date seems to be in error since claimant filed no claims on either claim year between May 30, 2007 and June 30, 2007). Benefits are allowed, provided the claimant is otherwise eligible.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/kjw