

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**ANNA J NEBEL**  
Claimant

**WAL-MART STORES INC**  
Employer

**APPEAL 16A-UI-08483-DGT**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 07/10/16**  
**Claimant: Respondent (1)**

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Iowa Code § 96.4(3) – Ability to and Availability for Work

**STATEMENT OF THE CASE:**

The claimant filed an appeal in a companion case and this decision that was dated August 8, 2016, (reference 10) that allowed benefits was set for a hearing. After due notice was issued, a hearing was set for hearing by telephone conference call on August 24, 2016. Claimant did not appear and no hearing was held.

**ISSUE:**

Did the claimant file an appeal from a favorable decision?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed an appeal in a companion case and this favorable decision holding claimant was available for work was set for hearing. That appeal was set for hearing in error.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that an appeal hearing was scheduled from a favorable decision and the appeal was set for hearing in error.

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".

The claimant filed an appeal from a favorable decision on the above-referenced issue, which was set for hearing in error. The representative's decision has become final and remains in full force and effect.

**DECISION:**

The August 8, 2016, (reference 10) unemployment insurance decision is affirmed. The claimant filed an appeal from a favorable decision, which was set for hearing in error. The representative's decision has become final and remains in full force and effect.

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Duane L. Golden  
Administrative Law Judge

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Decision Dated and Mailed

dlg/pjs