

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ROBIN D BUCKLEY**  
Claimant

**APPEAL NO. 13A-UI-11624-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WASHINGTON INVENTORY SERVICES INC**  
Employer

**OC: 09/22/13**  
**Claimant: Appellant (2)**

Section 96.4(3) – Able and Available

**STATEMENT OF THE CASE:**

The claimant, Robin Buckley, filed an appeal from a decision dated October 11, 2013, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on November 7, 2013. The claimant participated on her own behalf. The employer, Washington Inventory Services (WIS), did not provide a telephone number where a witness could be contacted and did not participate.

**ISSUE:**

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

**FINDINGS OF FACT:**

Robin Buckley began employment with WIS from in April 2012, as a part-time seasonal inventory assistant. The company does inventory for client companies, mostly retail businesses. The “season” is generally from January through October of the year as most businesses do not do inventory during the holiday shopping period. Ms. Buckley worked on October 10 and again on October 29 and 30, 2013, and reported her income for those weeks.

Ms. Buckley has reliable transportation and has no issues with child care.

**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 record establishes the claimant has been laid off for lack of work during the slow season for inventory. She is able and available for work.

**DECISION:**

The representative's decision of October 11, 2013, reference 01, is reversed. Robin Buckley is eligible for unemployment benefits as she is able and available for work during the layoff period.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/css