

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ROBERT J VANDYKE
Claimant

CARL A NELSON & COMPANY
Employer

APPEAL 15A-UI-08618-DGT
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 07/05/15
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

The employer filed an appeal from the July 29, 2015, (reference 02) unemployment insurance decision that did not allow benefits. After due notice was issued, a hearing was set for hearing by telephone conference call on August 24, 2015. Employer participated. Claimant did not participate.

ISSUE:

Did the employer 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 employer filed an appeal from a favorable decision holding that the claimant would not be receiving benefits. That appeal was set for hearing in error.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the employer filed an appeal 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 § 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as defined in § 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 § 96.5, subsection 3 are waived if the individual is not disqualified for benefits under § 96.5, subsection 1, paragraph "h".

The employer 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 July 29, 2015, (reference 02) unemployment insurance decision is affirmed. The employer 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.

Duane L. Golden
Administrative Law Judge

Decision Dated and Mailed

dlg/css