

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TIMOTHY E TURNER
Claimant

APPEAL NO: 15A-UI-12451-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

BEST FOOD MART INC
Employer

OC: 10/11/15
Claimant: Respondent (1)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Best Food Mart (employer) appealed a representative's November 4, 2015 (reference 01) decision that concluded Timothy Turner (claimant) was eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for November 30, 2015. The claimant participated personally. The employer participated by Manjeet Aulakh, the owner's wife, and Bhajan Aulakh, Owner.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant worked for the employer from July 28, 2014 to October 14, 2015. He applied for unemployment insurance benefits with an effective date of October 11, 2015. The claimant was sick and unable to work on October 15, 2015. He was scheduled to work and able to work on October 18, 2015 but the employer found a replacement worker for him. On October 19, 2015, the employer told the claimant his shifts were covered and asked the claimant to return his keys. The claimant was able to work his shifts.

The representatives November 4, 2015 (reference 02) decision found the claimant was discharged by the employer. The employer did not appeal the decision.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant was able and available for work from October 11, 2015.

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".

There is no evidence that there were any restriction or limitation on the claimant. Accordingly, benefits are allowed as of October `11, 2015.

The representatives November 4, 2015 (reference 02) decision found the claimant was discharged by the employer. The employer did not appeal the decision.

DECISION:

The representative's November 4, 2015 (reference 01) decision is affirmed. The claimant is able and available as of October 11, 2015.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

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