

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**AUSTIN L LEAVENS**  
Claimant

**APPEAL NO. 14A-UI-05767-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 02/09/14**  
**Claimant: Appellant (2)**

Iowa Code § 96.4(3) – Able and Available

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the May 27, 2014, (reference 06) unemployment insurance decision that denied benefits. A review of the claimant's appeal letter was sufficient to resolve the issue without a hearing.

**ISSUE:**

Was the claimant able to and available for work for the week ending May 10, 2014?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant's indication in his appeal letter that he was available for work the week of the claim is credible. During the filing of the telephone claim for the week at issue, claimant pushed a button in error resulting in incorrect telephone response data.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant has made appropriate in person work search contacts.

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 has sufficiently demonstrated to the satisfaction of the administrative law judge that claimant was available for work the week ending May 10, 2014. Accordingly, benefits are allowed.

**DECISION:**

The May 27, 2014, (reference 06), decision is reversed. The claimant did make himself available for work the week ending May 10, 2014. Benefits are allowed, provided the claimant is otherwise eligible.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

tkh/pjs