

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LOGAN A HUME
Claimant

APPEAL 16A-UI-08142-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 05/22/16
Claimant: Appellant (2)**

Iowa Code § 96.4(3) – Able and Available

STATEMENT OF THE CASE:

Claimant/appellant filed an appeal from the July 15, 2016, (reference 01) unemployment insurance decision that concluded he was not eligible to receive unemployment insurance benefits for the week ending July 2, 2016, because he indicated he was not able to or available for work. Notice of hearing was mailed to the appellant's last known address of record for a telephone hearing scheduled for August 11, 2016. Claimant's appeal letter was sufficient to resolve the issue and no hearing was held.

ISSUE:

Was the claimant able to and available for work during the week ending July 2, 2016?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was able to and available for work during the week ending July 2, 2016. The claimant filed a weekly voice response claim for that week and mistakenly pushed the button indicating he was not available for work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant is able to work and available for work.

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", subparagraph 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".

Claimant had no medical restriction or other limitation on employability during the week July 2, 2016. Accordingly, benefits are allowed.

DECISION:

The July 15, 2016, (reference 01) decision is reversed. The claimant was able to work and available for work during the week ending July 2, 2016. Benefits are allowed.

Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
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Decision Dated and Mailed

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