

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**CATHARINE E CASHNER**  
Claimant

**APPEAL NO: 18A-UI-11397-JC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 09/16/18  
Claimant: Appellant (5)**

Iowa Code § 96.4(3) – Ability to and Availability for Work  
Iowa Admin. Code r. 871-24.22(2) – Able & Available - Benefits Eligibility Conditions

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the November 19, 2018, (reference 03) unemployment insurance decision that denied benefits. The claimant was properly notified about the hearing. A telephone hearing was held on December 11, 2018. The claimant participated personally. The administrative law judge took official notice of the administrative records including the fact-finding documents. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Was the claimant able to work and available for work November 25, 2018 through December 1, 2018?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant established a claim for unemployment insurance benefits effective September 16, 2018. While at a reemployment services meeting, the claimant indicated to her Workforce Advisor that she may go on a mission trip during the week of November 25, 2018 through December 1, 2018. The reference 03 decision was then rendered on November 19, 2018, prior to the claimant making a weekly continued claim for unemployment insurance benefits.

The claimant did not go on the mission trip as proposed, and did not complete her required job search contacts for the week ending December 1, 2018. She applied for positions with City of Cedar Rapids and Broad Management Group, consistent with her job history. She was able and available for work. Due to error, the claimant also did not file a weekly continued claim for the week ending December 1, 2018, as she intended.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant was able to and available for work for the week ending December 1, 2018.

For an individual to be eligible to receive benefits, he must be able to work, available for work, and actively seeking work as required by the unemployment insurance law. Iowa Code Section § 96.4(3). The claimant has the burden to show she is able to work, available for work, and earnestly and actively seeking work. The administrative law judge concludes the evidence establishes the claimant is able to and available for work as defined by the unemployment insurance law. The claimant had considered a mission trip for the week ending December 1, 2018 but did not go. She was able to, available for, and earnestly seeking work for the week in question.

In this case, the claimant was deemed to be ineligible for benefits based upon a comment made during a reemployment services meeting about a possible future mission trip. The decision of ineligibility was issued before the week of the possible trip actually occurred and in light of the claimant making no claim for benefits during that week.

The administrative law judge concludes the claimant was able to and available for work December 1, 2018. However, because there is no weekly continued claim on file for that week, she cannot receive benefits for the week ending December 1, 2018.

**DECISION:**

The November 19, 2018, (reference 03) decision is modified with no change in effect. The claimant was able to and available for work for the week ending December 1, 2018. Benefits are allowed for this week, provided she is otherwise eligible and filed a weekly continued claim for the week ending December 1, 2018. (At this time, there is no claim on file for the week ending December 1, 2018.)

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Jennifer L. Beckman  
Administrative Law Judge

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Decision Dated and Mailed

jlb/scn