

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

KELLY BROWN
Claimant

APPEAL NO. 14A-UI-08534-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 05/04/14
Claimant: Appellant (2)**

Iowa Code § 96.4-3 - Able and Available for Work

STATEMENT OF THE CASE:

Kelly Brown (claimant) appealed an unemployment insurance decision dated August 5, 2014, (reference 02), which held that she was not eligible for unemployment insurance benefits for the one-week period ending July 5, 2014 because she indicated she was not able to take a job that week. After a hearing notice was mailed to the party's last-known address of record, a telephone hearing was held on September 8, 2014. The claimant participated in the hearing.

ISSUE:

The issue is whether the claimant is disqualified for being unavailable or unable to 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 filed a claim for unemployment insurance benefits as of May 4, 2014. When she filed her claim for the week ending July 5, 2014, she mistakenly reported she was not available for work when she actually was available for work that week.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is able and available for work. For an individual to be eligible to receive benefits, she must be able to work, available to work, and earnestly and actively seeking work. Iowa Code § 96.4-3; 871 IAC 24.22(2). The claimant has the burden of proof in establishing his ability and availability for work. *Davoren v. Iowa Employment Security Commission*, 277 N.W.2d 602 (Iowa 1979).

The claimant made a mistake when calling in her claim for the week ending July 5, 2014. She has established that she was able and available for work that week. Benefits are allowed.

DECISION:

The unemployment insurance decision dated August 5, 2014, (reference 02), is reversed. The claimant meets the availability requirements of the law and benefits are allowed.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/css