

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI	
JEFFERY S LADUCER Claimant	APPEAL NO. 11A-UI-15565-AT
IOWA WORKFORCE DEVELOPMENT DEPARTMENT	ADMINISTRATIVE LAW JUDGE DECISION
	OC: 01/02/11 Claimant: Appellant (2)

Section 96.4-3 – Availability

STATEMENT OF THE CASE:

The claimant filed a timely appeal from an unemployment insurance decision dated December 2, 2011, reference 03, which issued a warning to the claimant based upon a finding that the claimant's availability for work had been questioned for the week ending November 26, 2011. After reviewing the claimant's appeal letter and Agency benefit payment records, the administrative law judge concludes that no additional testimony is necessary.

ISSUE:

Should the claimant receive an availability warning for the week in question?

FINDINGS OF FACT:

During the week ending November 26, 2011 the claimant was available for work. The claimant inadvertently indicated otherwise while requesting benefits for the week in question.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the warning should be removed from the claimant's record. For the reasons which follow, the administrative law judge concludes that it should.

Iowa Code § 96.4-3 requires that claimants be available for work each week they request benefits. The evidence in this record persuades the administrative law judge that the claimant was available for work but inadvertently indicated otherwise. The warning shall be removed.

DECISION:

The unemployment insurance decision dated December 2, 2011, reference 03, is reversed.
The warning is removed from the claimant's record.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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