

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

YEE CHANG
Claimant

APPEAL 17A-UI-09370-JCT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 06/11/17
Claimant: Appellant (1R)**

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 September 5, 2017, (reference 06) unemployment insurance decision that denied benefits, concluding the claimant was not able to and available for work for the week ending August 12, 2017. The claimant was properly notified about the hearing. A telephone hearing was held on September 27, 2017. The claimant participated personally and through a Hmong interpreter with CTS Language Link.

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:

Is the claimant able to work and available for work August 6 through August 12, 2017?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant established an unemployment insurance claim effective June 11, 2017. The claimant does not speak, read or write English, and relies upon assistance from her children or her friend, in reading mail and filling out her weekly continued claims for unemployment each week. The claimant stated that when she was helped filing her claim for the week ending August 12, 2017, the person helping her incorrectly marked her to not be able to and available for work.

The claimant has historically had medical issues but currently has no restrictions on the type of work she can perform. She has a valid driver's license and car available for transportation. The claimant could not identify any specific types of jobs she is looking for, or identify any specific companies for which she has applied for work, including the week of August 12, 2017. She stated she had not applied for any jobs.

REASONINGS AND CONCLUSIONS OF LAW:

For an individual to be eligible to receive benefits, she 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.

In this case, the evidence fails to establish the claimant is able to and available for work as defined by the unemployment insurance law. The claimant may be able to work, and available to perform work, but she is not actively seeking work, as required. The claimant was unable to identify any specific jobs she is looking for, for which she has applied. Therefore, the administrative law judge concludes she did not engage in an active and earnest search for new employment for the week ending August 12, 2017.

The claimant is ineligible to receive unemployment insurance benefits for the week ending August 12, 2017.

REMAND: The issue of whether the claimant has made an adequate work search each week, effective June 11, 2017, is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

DECISION:

The September 5, 2017, (reference 06) decision is affirmed. The claimant was not able to, available for, and actively seeking work for the week ending August 12, 2017. Benefits are denied. **REMAND:** The issue of whether the claimant has made an adequate work search each week, (including whether a warning is appropriate) effective June 11, 2017, is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/scn