

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

WILLIAM J CAMPBELL
Claimant

APPEAL NO: 16A-UI-09274-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/22/15
Claimant: Appellant (2)**

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

William Campbell (claimant) appealed a representative's August 22, 2016, decision (reference 05) that concluded he was not eligible to receive unemployment insurance benefits as of July 31, 2016, because he was not ready, willing or able to work. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on September 13, 2016. The claimant participated personally. Exhibit D-1 was received into evidence.

ISSUE:

The issue is whether the claimant is able and available for work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: When the claimant filed his weekly report for the week ending August 6, 2016, he pushed the wrong button. The claimant was ready, willing or able to work as of July 31, 2016.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant was able and available for work as of July 31, 2016.

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 section 96.19, subsection 38, paragraph "b", unnumbered paragraph (1), or temporarily unemployed as

defined in section 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 section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

There was no evidence that there were any restriction or limitation on employability. Accordingly, benefits are allowed.

DECISION:

The representative's August 22, 2016, decision (reference 05) is reversed. The claimant is able and available for work as of July 31, 2016.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs