

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**PATRICIA A EDWARDS**  
Claimant

**APPEAL NO. 13A-UI-01259-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 12-04-11**  
**Claimant: Appellant (2)**

Iowa Code § 96.4(3) – Able and Available

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the November 6, 2012, reference 03, decision that denied benefits for one week due to her alleged failure to report for reemployment and eligibility assessment. After reviewing the claimant's appeal letter, the administrative law judge determined that no additional testimony was necessary. Additionally, due to subsequent agency action, the hearing was not necessary.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The representative's decision the claimant appealed from dated November 6, 2012 reference 03 denied benefits effective October 21, 2012. In a representative's decision dated November 8, 2012, reference 04 the agency reversed that denial and allowed benefits effective October 28, 2012. The claimant never received her initial letter telling her to report for reemployment training and reassessment. The claimant has since completed the required training.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 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".

Inasmuch as the claimant has established a good reason for her failure to appear for the training, she never received the notice requiring her to do so, the decision denying her benefits effective October 21, 2012 is reversed.

**DECISION:**

The representative's decision dated November 6, 2012, reference 03 is reversed so as to be consistent with the subsequent agency action. Benefits are allowed, provided the claimant is otherwise eligible.

---

Teresa K. Hillary  
Administrative Law Judge

---

Decision Dated and Mailed

tkh/pjs