

**IOWA WORKFORCE DEVELOPMENT**  
**Unemployment Insurance Appeals Section**  
**1000 East Grand—Des Moines, Iowa 50319**  
**DECISION OF THE ADMINISTRATIVE LAW JUDGE**  
68-0157 (7-97) – 3091078 - EI

**BRYAN V STREICH**  
**1215 OAKLAND RD NE #41**  
**CEDAR RAPIDS IA 52402**

**IOWA WORKFORCE**  
**DEVELOPMENT DEPARTMENT**

**Appeal Number: 05A-UI-06704-DWT**  
**OC: 05/22/05 R: 03**  
**Claimant: Appellant (2)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.4-3 – Able to and Available for Work

STATEMENT OF THE CASE:

Bryan V. Streich (claimant) appealed a representative's June 17, 2005 decision (reference 06) that concluded he was not eligible to receive benefits because he was not able to or available for work as of May 22, 2005. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on July 15, 2005. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

As of May 22, 2005, is the claimant able to and available for work?

FINDINGS OF FACT:

The claimant hurt his ankle on May 16, 2005. The claimant was unable to work until his doctor released him to work on May 19, 2005. While the claimant's ankle was tender for a few days, the claimant was able to and available for work as of May 23, 2005.

The claimant established a claim for benefits during the week of May 22, 2005. The claimant has been looking for office, sales and construction work since May 22, 2005. The claimant has experience in all these areas. The claimant could have returned to his former job on May 23 if his former employer had not ended his employment.

REASONING AND CONCLUSIONS OF LAW:

Each week a claim files a claim for unemployment insurance benefits, he must be able to and available for work. Iowa Code §96.4-3. The evidence establishes that as of May 22, 2005, the claimant is able to and available for work. Therefore, as of May 22, 2005, the claimant is eligible to receive unemployment insurance benefits, provided he meets all other eligibility requirements.

DECISION:

The representative's June 17, 2005 decision (reference 06) is reversed. The claimant is able to and available for work as of May 22, 2005. Therefore, he is eligible to receive benefits as of May 22, 2005, provided he meets all other eligibility requirements.

dlw/sc