

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ARCHIE A COULTER
Claimant

APPEAL 16A-UI-07569-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 05/15/16
Claimant: Appellant (2)

Iowa Code § 96.4(3) – Able and Available

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the July 8, 2016, (reference 02) decision that denied benefits for the one-week period ending June 18, 2016 as he was not able to and available for work. The claimant's appeal letter was sufficient to resolve the issue without testimony and no hearing was held.

ISSUE:

Was the claimant able to and available for work for the week ending June 18, 2016?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was able to and available for work the week ending June 18, 2016 he mistakenly indicated otherwise when making his weekly continuing claim for benefits.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant was able to and available for work for the week ending June 18, 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".

The claimant has sufficiently demonstrated to the satisfaction of the administrative law judge that he was able to and available for work but inadvertently indicated otherwise when making his claim for benefits. Accordingly, benefits are allowed, provided the claimant is otherwise eligible.

DECISION:

The July 8, 2016, (reference 02), decision is reversed. The claimant was able to and available for work for the week ending June 18, 2016. Benefits are allowed, provided the claimant is otherwise eligible.

NOTE TO CLAIMANT:

Your claim will remain locked as of the date of this decision as you are considered ineligible based upon another decision because you have not attended re-employment services class. You should immediately contact your local workforce office to attend the required classes.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/pjs