

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MARLENE ANDERSON
Claimant

APPEAL 17A-UI-06603-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 04/09/17
Claimant: Appellant (2)

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 June 19, 2017, (reference 03), unemployment insurance decision that denied benefits based upon claimant's availability for work. After due notice was issued, a telephone conference hearing was scheduled to be held on July 18, 2017. Claimant participated.

ISSUE:

Is the claimant able to work and available for work from June 18 to July 1, 2017?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant traveled to Alaska from June 18 through June 28, 2017, for the purpose of seeking work. While there, claimant met with prospective employers. However, claimant did not procure a job offer.

Claimant did not earn any wages or vacation or holiday pay during the two weeks ending July 1, 2017.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant is able to work and available for work.

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".

An individual claiming benefits must be able to work, available for work, and actively and earnestly seeking work. In this case, claimant was actively seeking work and was available for work during the two weeks ending July 1, 2017. Accordingly, benefits are allowed.

DECISION:

The June 19, 2017, (reference 03) unemployment insurance decision is reversed. The claimant is able to work and available for work from June 18 through July 1, 2017. Benefits are allowed.

Christine A. Louis
Administrative Law Judge
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Decision Dated and Mailed

cal/scn