

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI	
ANDREW K SANTA MARIA Claimant IOWA WORKFORCE DEVELOPMENT DEPARTMENT	APPEAL NO: 14A-UI-10687-DT ADMINISTRATIVE LAW JUDGE DECISION OC: 05/04/14 Claimant: Appellant (2)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Andrew K. Santa Maria (claimant) appealed a representative's October 10, 2014 decision (reference 05) that concluded he was not qualified to receive unemployment insurance benefits for the week ending August 23, 2014 because he had indicated he was not able and available for work that week. A hearing notice was mailed to the claimant's last-known address of record for a telephone hearing to be held on November 3, 2014, in conjunction with related Appeal No. 14A-UI-10688-DT. Prior to the hearing being held, the administrative law judge determined that no hearing was necessary and a decision was made on the record.

ISSUE:

Was the claimant eligible for unemployment insurance benefits by being able and available for work?

FINDINGS OF FACT:

When the claimant made his weekly continued claim through the verified response unit (VRU), for the benefit week ending August 23, to the question as to whether he had been able and available for work that week, he keyed "N." However, as stated in his appeal, he was able and available for work; "I mismarked the question."

REASONING AND CONCLUSIONS OF LAW:

With respect to any week in which unemployment insurance benefits are sought, in order to be eligible the claimant must be able to work, is available for work, and is earnestly and actively seeking work. Iowa Code § 96.4-3.

The claimant has demonstrated that he was able and available to work during the benefit week ending August 23, 2014. Benefits are allowed, if the claimant is otherwise eligible.

DECISION:

The representative's October 10, 2014 decision (reference 05) is reversed. The claimant was able and available for work the week ending August 23, 2014. The claimant is qualified to receive unemployment insurance benefits that week, if he is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

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