

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TIMBER D HAMILTON
Claimant

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

APPEAL 17A-UI-02870-CL-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/06/16
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 March 8, 2017, (reference 08) unemployment insurance decision that denied benefits because of his availability for work. After due notice was issued, a telephone conference hearing was set for April 6, 2017. Claimant participated.

ISSUE:

Was claimant able to work and available for work effective February 5, 2017?

FINDINGS OF FACT:

Having heard the testimony and having examined the evidence in the record, the administrative law judge finds: Claimant was able to and available for work during the week ending February 11, 2017. When making his weekly continued claim, claimant mistakenly indicated he was not able to or available for work that week. Claimant was sent a notice to report as a result of the reporting error. Claimant responded to the notice by indicating he made a reporting error, but the agency did not receive the response.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant is able to and available for work effective February 5, 2017.

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".

Claimant is able to and available for work effective February 5, 2017. Claimant's indication he was not able to or available for work was the result of a reporting error. The agency sent claimant a notice to report as a result. Claimant attempted to explain the reporting error to the agency, but the agency did not receive claimant's response.

DECISION:

The March 8, 2017, (reference 08) unemployment insurance decision is reversed. Claimant is able to and available for work effective February 5, 2017. Any benefits withheld on the basis of claimant's availability for work should be allowed, provided claimant is otherwise eligible for benefits.

Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

Decision Dated and Mailed

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