

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**BROOK A ROE**  
Claimant

**APPEAL 16A-UI-09535-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 08/07/16**  
**Claimant: Appellant (2)**

Iowa Code § 96.4(3) – Ability to and Availability for Work  
Iowa Admin. Code r. 871-24.2(1)g – Continued Claim - VRU

**STATEMENT OF THE CASE:**

Brooke A. Roe (claimant) filed a timely appeal from a August 24, 2016, (reference 02) decision that found her ineligible for benefits for the week ending August 13, 2016, because of report during her weekly continued claim that she was not able to or available for work. After due notice was issued, a hearing was held on September 19, 2016, with the claimant participating.

**ISSUE:**

Was the claimant able to and available for work the week ending August 13, 2016?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a weekly voice response unit (VRU) continued claim for the week ending August 13, 2016. During the filing of the claim for the week at issue, the claimant misunderstood the question and indicated she was not able to and available for work. She was able to and available for work for that week and conducted two job searches.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant has established she was able to and available for work the week ending August 13, 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".

Iowa Admin. Code r. 871-24.23(27) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(27) Failure to report on a claim that a claimant made any effort to find employment will make a claimant ineligible for benefits during the period. Mere registration at the workforce development center does not establish that a claimant is able and available for suitable work. It is essential that such claimant must actively and earnestly seek work.

The claimant has sufficiently demonstrated to the satisfaction of the administrative law judge that she was able to and available for work for the time period in question. Accordingly, benefits are allowed, if she is otherwise eligible.

**DECISION:**

The August 24, 2016, (reference 02) decision is reversed. Benefits are allowed for the week ending August 13, 2016, provided the claimant is otherwise eligible.

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Stephanie R. Callahan  
Administrative Law Judge

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Decision Dated and Mailed

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