

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ERIN M KREWSON
Claimant

APPEAL 18R-UI-08828-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 05/20/18
Claimant: Appellant (2)

Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Admin. Code r. 871-24.22 – Able & Available - Benefits Eligibility Conditions

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the June 20, 2018, (reference 01) decision that denied benefits for the one week ending June 2, 2018, finding the claimant was not able to and available for work. After due notice was issued, a hearing was held by telephone conference call on September 12, 2018. Claimant participated.

ISSUE:

Was the claimant able to and available for work for the week ending June 2, 2018?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: When making her weekly continued claim for benefits for the week ending June 2, 2018, the claimant inadvertently indicated that she was not able to and available for work. The claimant was able to and available for work and was actively seeking work for the week.

REASONING AND CONCLUSIONS OF LAW:

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".

The claimant has sufficiently demonstrated to the satisfaction of the administrative law judge that claimant was available for work the week ending June 2, 2018. She just made a mistake when entering her weekly claim. Accordingly, benefits are allowed.

DECISION:

The June 20, 2018, (reference 01), decision is reversed. The claimant was able to and available for work for the week ending June 2, 2018.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/rvs