

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

SAMUEL K KOFRON
Claimant

APPEAL 16A-UI-03452-JCT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 01/31/16
Claimant: Appellant (2)**

Iowa Code § 96.4(4)a-c – Monetary Eligibility and Subsequent Benefit Year

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the March 9, 2016 (reference 01) unemployment insurance decision that denied benefits. After due notice was issued, a hearing was scheduled to be held on April 6, 2016. Because the issue appealed was resolved administratively prior to the hearing in the appellant's favor (see the reference 03 representative's decision), no testimony was necessary and no hearing was held.

ISSUE:

Should the unemployment insurance decision be affirmed?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The decision appealed has been amended in favor of the appellant by the reference 03 representative's decision.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the representative's decision should be reversed.

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".

Since the decision appealed has been amended in favor of the appellant, the original representative's decision bearing reference 01 is reversed. The hearing for 10:00 a.m. on April 6, 2016 is now cancelled.

However, the administrative law judge will still conduct the **10:05 a.m.** hearing on **April 6, 2016**; regarding the claimant's request for retroactive benefits (Appeal No.: 16A-UI-03453-JC), since the reference 03 decision does not resolve that issue.

DECISION:

The March 9, 2016 (reference 01) unemployment insurance decision is reversed. Benefits are allowed effective January 31, 2016, provided the claimant is otherwise eligible.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/can