

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

VANESSA G LEE
Claimant

APPEAL 16A-UI-07983-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 04/17/16
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 a timely appeal from the July 15, 2016, (reference 03) decision that found the claimant ineligible for benefits for the week ending June 25, 2016, because of reporting on the continued claim that she was not able to or available for work. After due notice was issued, a hearing was held on August 9, 2016. The claimant, Vanessa G. Lee, participated in the hearing. The administrative law judge took official notice of the administrative record and claimant's continued claims for unemployment insurance benefits.

ISSUE:

Was the claimant able to and available for work the week ending June 25, 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 June 25, 2016. During the filing of the claim for the week at issue, claimant pushed a button in error indicating she was not able to and available for work. Claimant testified that she knew she made an error, but she was unable to go back into her weekly claim and fix her mistake. She was able to and available for work for that week.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant has established that she was able to and available for work the week ending June 25, 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".

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.

DECISION:

The July 15, 2016, (reference 03) decision is reversed. Benefits are allowed for the week ending June 25, 2016, provided she is otherwise eligible.

Elizabeth Johnson
Administrative Law Judge

Decision Dated and Mailed

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