

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

CHARLES W ANDERSON
Claimant

APPEAL NO. 15A-UI-11294-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 07/19/15
Claimant: Appellant (2)**

Iowa Code § 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated September 29, 2015 reference 05, which held claimant not able and available for work. After due notice, a hearing was scheduled for and held on October 27, 2015. Claimant participated personally.

ISSUE:

The issue in this matter is whether claimant is able and available for work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: The ANDS decision in this matter stated that claimant was not able and available for work during the time period from August 16, 2015 through August 22, 2015. Claimant had filed his weekly claim for that period by phone. He mistakenly input that he was not able and available for work, when in fact he was able and available. Claimant was not working at that time. Claimant was out searching actively for work and was not ill or on vacation during the dates in question. Claimant's entry into the system that he was not able and available for work was done in error by the claimant.

REASONING AND CONCLUSIONS OF LAW:

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 § 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as defined in § 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 § 96.5, subsection 3 are waived if the individual is not disqualified for benefits under § 96.5, subsection 1, paragraph "h".

Claimant has shown that he was able and available for work throughout the time between August 16, 2015 and August 22, 2015. Benefits shall be allowed for the time period between August 16, 2015 and August 22, 2015.

DECISION:

The decision of the representative dated September 29, 2015, reference 05, is reversed. Claimant is eligible to receive unemployment insurance benefits, effective August 16, 2015 through August 22, 2015, provided claimant meets all other eligibility requirements.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

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