

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**LASHAWN BELL**  
Claimant

**APPEAL 17A-UI-04761-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 02/12/17**  
**Claimant: Appellant (2)**

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Iowa Code § 96.4(3) – Able and Available

**STATEMENT OF THE CASE:**

Claimant filed a timely appeal from the April, 26, 2017, (reference 03) decision that denied benefits for the one week period ending April 15, 2017. After due notice was issued, a hearing was held by telephone conference call on May 23, 2017. Claimant participated.

**ISSUE:**

Was the claimant able to and available for work for the one week period ending April 15, 2017?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a claim for unemployment insurance benefits with an effective date of February 12, 2017. During the week ending April 15, 2017 while entering his claim online the claimant mistakenly indicated that he was not able to and available for work. The claimant was able to and available for work for the week ending April 15, 2017.

**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 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 April 15, 2017. Accordingly, benefits are allowed.

**DECISION:**

The April 26, 2017, (reference 03) decision is reversed. The claimant was able to and available for work the week ending April 15, 2017.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

tkh/scn