

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SHERRY L MAYLONE
Claimant

APPEAL NO. 19A-UI-06517-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

THE OUTLET INC
Employer

**OC: 07/28/19
Claimant: Appellant (1)**

Iowa Code Section 96.4(3) – Able & Available

STATEMENT OF THE CASE:

Sherry Maylone filed a timely appeal from the August 14, 2019, reference 05, decision that denied benefits effective July 28, 2019, based on the deputy's conclusion that Ms. Maylone was unable to work due to illness. After due notice was issued, a hearing was held on September 11, 2019. Ms. Maylone did not comply with the hearing notice instructions to register a telephone number for the hearing and did not participate. Terri Christner represented the employer. The hearing in this matter was consolidated with the hearing in Appeal Number 19A-UI-06811-JTT. Exhibits 1 through 4 were received into evidence. The administrative law judge took official notice of the following Agency administrative records: KCCO and DBRO.

ISSUES:

Whether the claimant has been able to work and available for work since establishing her claim for benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Sherry Maylone established an original claim for benefits that was effective July 28, 2019. Ms. Maylone did not make weekly claims for the benefit weeks that ended August 3 and August 10, 2019. Ms. Maylone made weekly claims for the weeks that ended August 17, August 24, August 31, and September 7, 2019. For each week, Ms. Maylone reported that she was able to work, available for work and that she had made three or more employer contacts. Ms. Maylone has not provided any information to substantiate her assertion on her weekly claims that she was able to work, available for work, and had made three or more job contacts during the weeks she made a weekly claim. Ms. Maylone was not attached to an employer at the time she established her claim for benefits. At an August 13, 2019 fact-finding interview, Ms. Maylone stated that she was unable to work due to a need to care for her father.

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".

Iowa Administrative Code rule 871-24.2.(1)(g) provides as follows:

(g). No continued claim for benefits shall be allowed until the individual claiming benefits has completed a continued claim or claimed benefits as otherwise directed by the department.

(1) The weekly continued claim shall be transmitted not earlier than 8:00 a.m . on the Sunday following the Saturday of the weekly reporting period and, unless reasonable cause can be shown for the delay, not later than close of business on Friday following the weekly reporting period.

Ms. Maylone did not participate in the appeal hearing and did not present any evidence to meet her burden of proving, by a preponderance of the evidence, that she has been able to work, available for work, or engaged in an active and earnest search for work since she established the claim for benefits that was effective July 28, 2019. Ms. Maylone made no weekly claim for the weeks that ended August 3 and 10, 2019. The absence of a weekly claim would by itself render Ms. Maylone ineligible for benefits for the week in question. Benefits are denied effective July 28, 2019 and through the benefit week that ended September 7, 2019.

DECISION:

The August 14, 2019, reference 05, is affirmed. The claimant did not meet the able and available requirements or the job search requirement during each of the weeks between July 28, 2019 and September 7, 2019. The claimant is not eligible for benefits for that period. Benefits are denied for that period.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs