

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**JERRY L BEAN**  
Claimant

**APPEAL 16A-UI-10869-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 05/08/16**  
**Claimant: Appellant (2)**

---

Iowa Code § 96.4(3) – Able and Available

**STATEMENT OF THE CASE:**

Claimant filed a timely appeal from the September 27, 2016, (reference 02) decision that denied benefits for the one week ending September 10, 2016 finding that the claimant was not able to and available for work. After due notice was issued, a hearing was held by telephone conference call on October 20, 2016. Claimant participated.

**ISSUE:**

Was the claimant able to and available for work the week ending September 10, 2016?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: When making his weekly claim for benefits, the claimant mistakenly entered that he was not able to and available for work that week. The claimant was able to and available for work during the entire week.

**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 September 10, 2016. Accordingly, benefits are allowed.

**DECISION:**

The September 27, 2016, (reference 02) decision is reversed. The claimant was able to and available for work the week ending September 10, 2016. Benefits are allowed, provided the claimant is otherwise eligible.

---

Teresa K. Hillary  
Administrative Law Judge

---

Decision Dated and Mailed

tkh/RVS