

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TERESA J HENSLEY
Claimant

APPEAL 18A-UI-05265-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 02/25/18
Claimant: Appellant (2)

Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Admin. Code r. 871-24.22 – Able & Available - Benefits Eligibility Conditions

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the May 1, 2018, (reference 02) decision that denied benefits for the one week ending April 14, 2018, finding the claimant was not able to and available for work. After due notice was issued, a hearing was held by telephone conference call on May 24, 2018. Claimant participated.

ISSUE:

Was the claimant able to and available for work for the week ending April 14, 2018?

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 25, 2018. For the week ending April 14, 2018, when making her weekly claim for benefits, the claimant inadvertently indicated that she was not able to and available for work. The claimant's testimony that she was available for work the week ending April 14, 2018 is credible.

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 14, 2018. Accordingly, benefits are allowed.

DECISION:

The May 1, 2018, (reference 02) decision is reversed. The claimant was able to and available for work for the week ending April 14, 2018.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/scn