

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**SAMANTHA RIBBLE**  
Claimant

**APPEAL 17A-UI-06882-DB-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 05/28/17  
Claimant: Appellant (2)**

---

Iowa Code § 96.4(3) – Able to and Available for Work

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the June 30, 2017 (reference 03) unemployment insurance decision that found claimant was ineligible for unemployment benefits because she was out of town for the majority of the week of July 2, 2017 through July 8, 2017. The claimant was properly notified of the hearing. A telephone hearing was held on July 26, 2017. The claimant, Samantha Ribble, participated personally. Claimant's Exhibit A was admitted. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records.

**ISSUE:**

Was the claimant able to work and available for work from July 2, 2017 through July 8, 2017?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The facts in this matter are undisputed. Claimant was able to and available for work from July 2, 2017 through July 8, 2017. Claimant actively and earnestly sought work that week as well. See Exhibit A.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant was able to and available for work from July 2, 2017 through July 8, 2017. Benefits for that week are allowed.

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", subparagraph 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".

To be able to work, "[a]n individual must be physically and mentally able to work in some gainful employment, not necessarily in the individual's customary occupation, but which is engaged in by others as a means of livelihood." *Sierra v. Employment Appeal Board*, 508 N.W.2d 719, 721 (Iowa 1993); *Geiken v. Lutheran Home for the Aged*, 468 N.W.2d 223 (Iowa 1991); Iowa Admin. Code r. 871-24.22(1).

Claimant has established her ability and availability to work from July 2, 2017 through July 8, 2017. Claimant did earnestly and actively seek work from July 2, 2017 through July 8, 2017.

**DECISION:**

The June 30, 2017 (reference 03) unemployment insurance decision is reversed. The claimant was able to and available for work from July 2, 2017 through July 8, 2017. Benefits are allowed, provided she is otherwise eligible.

---

Dawn Boucher  
Administrative Law Judge

---

Decision Dated and Mailed

db/rvs