

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**TIMOTHY A KOCH**  
Claimant

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**APPEAL NO. 16A-UI-04948-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 01/10/16**  
**Claimant: Appellant (2)**

Iowa Code § 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated April 25, 2016 reference 02, which held claimant not able and available for work. After due notice, a hearing was scheduled for and held on May 12, 2016. Claimant participated personally.

**ISSUE:**

The issue in this matter is whether claimant is able and available for work.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant stated that his weekly filing was filled out in error and that at all times relevant to this matter that he was able and available and willing to work.

**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".

Claimant at all times was able and available for work. It was only claimant's error in filling out his weekly report that created claimant's statement that he was not willing to work. This is seen as a scrivener's error and will not affect claimant's ability to receive benefits. Benefits shall be allowed effective March 13, 2016.

**DECISION:**

The decision of the representative dated April 25, 2016, reference 02, is reversed. Claimant is eligible to receive unemployment insurance benefits, effective March 13, 2016, through March 19, 2016 provided claimant meets all other eligibility requirements.

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Blair A. Bennett  
Administrative Law Judge

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Decision Dated and Mailed

bab/pjs