

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**THOMAS SHEPPARD**  
Claimant

**APPEAL NO: 17A-UI-00139-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ARTECH INFORMATION SYSTEMS LLC**  
Employer

**OC: 10/09/16**  
**Claimant: Appellant (2)**

Section 96.4-3 – Able and Available for Work

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the December 15, 2016, reference 01, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on January 27, 2017. The claimant participated in the hearing. The employer did not respond to the hearing notice and did not participate in the hearing or request a postponement of the hearing as required by the hearing notice.

**ISSUE:**

The issue is whether the claimant is able and available for work.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time lead field service technician for Artech Information Systems from November 6, 2015 to September 23, 2016, when he was laid off from his job. The claimant filed a claim for unemployment insurance benefits with an effective date of October 9, 2016. When calling in his claim for the week ending October 22, 2016, the claimant accidentally hit the wrong button and indicated he was not able and available for work when in fact he was able and available for work.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant is able and available for work.

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 no medical restriction or other limitation on his employability effective October 9, 2006. He was laid off work September 23, 2016, simply hit the incorrect button and indicated he was not able and available. However, the claimant is able and available for work effective October 9, 2016. Accordingly, benefits are allowed.

**DECISION:**

The December 15, 2016, reference 01, decision is reversed. The claimant is able and available for work. Benefits are allowed, provided the claimant is otherwise eligible.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/rvs