

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

SAUL GARCIA Claimant IOWA WORKFORCE DEVELOPMENT DEPARTMENT	<div>68-0157 (9-06) - 3091078 - EI</div> <div>APPEAL NO: 14A-UI-08880-DWT ADMINISTRATIVE LAW JUDGE DECISION</div> <div>OC: 05/11/14 Claimant: Appellant (2)</div>
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Iowa Code § 96.4(3) – Able to and Available for Work

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's August 22, 2014 (reference 04) determination that held him ineligible to receive benefits for the weeks ending June 28 through July 26, 2014 because he reported he was not able to or available for work. The claimant participated at the September 22 hearing. Olga Esperaza interpreted the hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge concludes the claimant is eligible to receive benefits because he was able to and available for work for the weeks ending June 28 through July 26, 2014.

ISSUE:

Is the claimant able to and available for work for the weeks ending June 28 through July 26, 2014?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of May 11, 2014. When the claimant called in weekly claims for the weeks ending June 28 through July 26, 2014 he did not understand the questions he was required to answer. Even though the claimant was able to and available for work these weeks, he mistakenly responded that he was not when he called in his claims for these weeks.

For the weeks ending June 28 through July 26, 2014 the claimant was looking for work and was willing to work and able to and available for work.

REASONING AND CONCLUSIONS OF LAW:

Each week a claimant files a claim for benefits, he must be able to and available for work. Iowa Code § 96.4(3). The facts establish the claimant was able to and available for work for the weeks ending June 28 through July 26, 2014. When the claimant called in these weekly claims, he did not understand the questions he was asked to respond to. The claimant mistakenly indicated he was not able to and available for work these weeks when in fact he was. Since the claimant was able to and available for work, he is eligible to receive benefits for the weeks ending June 28 through July 26, 2014.

DECISION:

The representative's August 22, 2014 (reference 04) determination is reversed. The claimant was able to and available for work for the weeks ending June 28 through July 26, 2014. Therefore, he is eligible to receive benefits for these weeks, provided he has met all other eligibility requirements.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/can