

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DOUGLAS A CORTEZ
Claimant

APPEAL NO: 15A-UI-03345-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 02/09/14
Claimant: Appellant (2)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Douglas A. Cortez (claimant) appealed a representative's March 5, 2015 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits because of not meeting the requirements to be able and available for as being authorized to work. A hearing notice was mailed to the claimant's last-known address of record for a telephone hearing to be held on April 30, 2015. Prior to the hearing being held, the administrative law judge determined that no hearing was necessary and that a decision could be made on the record. Based on a review of the available information and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Was the claimant eligible for unemployment insurance benefits by being able and available for work?

FINDINGS OF FACT:

On April 7, 2015 another representative's decision was issued (reference 03), which effectively reversed the March 5, 2015 (reference 01) decision, concluding that effective February 9, 2014 the claimant was able and available for work and was authorized to work.

REASONING AND CONCLUSIONS OF LAW:

With respect to any week in which unemployment insurance benefits are sought, in order to be eligible the claimant must be able to work, be available for work, and be earnestly and actively seeking work. Iowa Code § 96.4-3. As determined in the April 7, 2015 (reference 03) decision, the claimant has demonstrated that he meets these requirements. Benefits are allowed, if the claimant is otherwise eligible.

DECISION:

The representative's March 5, 2015 decision (reference 01) is reversed. The claimant is able to work and available for work effective February 9, 2014. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs