

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CLAIRE M MCGUIRE**  
Claimant

**APPEAL NO: 17A-UI-04364-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 12/11/16  
Claimant: Appellant (2)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

The claimant appealed a representative's decision dated April 12, 2017, reference 01, that concluded she was not eligible to receive unemployment insurance benefits for the week ending March 18, 2017. A telephone hearing was held on May 12, 2017, pursuant to due notice. The claimant participated personally. Exhibit D-1 was received into evidence.

**ISSUE:**

The issue is whether the 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 that: The claimant accidentally pressed a button saying she was not able and available for work for the week ending March 18, 2017. The claimant was able and available for the week ending March 18, 2017.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant was able and available for work for the one-week period ending March 18, 2017.

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".

There was no evidence that there were any restriction or limitation on employability. Accordingly, benefits are allowed.

**DECISION:**

The representative's April 12, 2017, decision (reference 01) is reversed. The claimant is able and available for work for the one-week period ending March 18, 2017.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/scn