

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MALARIE CONWAY
Claimant

APPEAL 17A-UI-06098-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 03/05/17
Claimant: Appellant (2)**

Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Admin. Code r. 871-24.22 – Able & Available - Benefits Eligibility Conditions

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the June 7, 2017, (reference 06) decision that denied benefits for the one week ending May 20, 2017. After due notice was issued, a hearing was held by telephone conference call on June 29, 2017. Claimant participated.

ISSUE:

Was the claimant able to and available for work for the week ending May 20, 2017?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: When making her weekly continuing claim for benefits for the week ending May 20, 2017 the claimant mistakenly indicated she was not able to and available for work. Her answer was in error.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant is able to work 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 mistakenly indicated that she was not able to and available for work for the week ending May 20, 2017. Accordingly, benefits are allowed, provided the claimant is otherwise eligible.

DECISION:

The June 7, 2017, (reference 06) decision is reversed. The claimant is able to work and available for work effective May 20, 2017. Benefits are allowed, provided the claimant is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/scn