

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JERRY D INGELS
Claimant

APPEAL 18A-UI-11548-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 07/15/18
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 November 19, 2018, (reference 02) decision that denied benefits for the one week ending November 3, 2018. After due notice was issued, a hearing was held by telephone conference call on December 13, 2018. Claimant participated along with his witness Michael Garner.

ISSUE:

Was the claimant able to and available for work for the one week period ending November 3, 2018?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant is assisted each week in filing his weekly continuing claim online by his friend Michael Garner. When filing his weekly continuing claim for the week ending November 3, they inadvertently indicated that the claimant was not able to and available for work during the week. The answer was simply a typographical error.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 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 sufficiently demonstrated to the satisfaction of the administrative law judge that claimant was available for work the week ending November 3, 2018. The claimant simply made a mistake when entering his weekly continuing claim. Accordingly, benefits are allowed.

DECISION:

The November 19, 2018, (reference 02), decision is reversed. The claimant was able to and available for work for the week ending November 3, 2018.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/rvs