

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TIMOTHY J SANDVIG
Claimant

APPEAL NO: 12A-UI-03099-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 02/05/12
Claimant: Appellant (4/R)

Iowa Code § 96.4(3) – Ability to and Availability for Work

PROCEDURAL STATEMENT OF THE CASE:

The Appeals Section set up an appeal for the claimant from a representative's March 8, 2012 determination (reference 02) that held he was ineligible to receive benefits as of February 19, 2012. The claimant did not appeal this determination and did not file any weekly claims after February 11, 2012. The claimant reopened his claim the week of April 8, 2012, and provided documentation that he was again able to and available for work. The claimant participated in the hearing. Based on the fact the claimant did not appeal the representative's March 8, 2012 determination, has not filed any weekly claims after February 11, has reopened his claim the week of April 8 and provided documentation that he was then able to and available for the work, the administrative law judge concludes the claimant was not eligible to receive benefits February 19 through April 7, 2012. As of April 8, the claimant is eligible to receive benefits because he is able to and available for work.

ISSUE:

Is the claimant eligible to receive benefits as of April 8, 2012?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of February 5, 2012. He filed a claim for the week ending February 11, 2012. The claimant was not available for work February 19 through April 7, 2012. He has not filed any weekly claims for these weeks. The claimant did not appeal a March 8 determination that held him ineligible to receive benefits as of February 19, 2012.

The claimant reopened his claim for benefits the week of April 8, 2012. He provided documentation that he was available to work as of April 8, 2012.

REASONING AND CONCLUSIONS OF LAW:

Each week a claimant files a weekly claim, he must be able to and available for work. Iowa Code § 96.4(3). The claimant did not appeal the March 8, 2012 determination and did not file any weekly claims after February 11, 2012. Since a claimant must establish he is able to and

available for work each week he files a claim for benefits, the claimant established his eligibility to receive benefits when he reopened his claim the week of April 8, 2012. As of April 8, 2012, the claimant is eligible to receive benefits. This matter will be remanded to the Claims Section to unlock the claimant's claim as of April 8, 2012.

DECISION:

The representative's March 8, 2012 determination (reference 02) is modified in the claimant's favor. The claimant does not dispute that he was not eligible to receive benefits February 19 through April 7, 2012. As of April 8, 2012, the claimant is eligible to receive benefits. This matter is **Remanded** to the Claims Section to unlock the claimant's claim as of April 8, 2012.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css