

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

PATRICIA L MOSES
Claimant

APPEAL 17A-UI-12334-JCT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 09/03/17
Claimant: Appellant (2)**

Iowa Code § 96.4(3) - Able and Available

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated November 30, 2017, (reference 02) that concluded she was ineligible for benefits because she failed to report as directed. A telephone hearing was held on December 22, 2017. Proper notice of the hearing was given to the claimant. The claimant participated in the hearing. The administrative law judge took official notice of the administrative records including the fact-finding documents. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is the claimant able to work and available for work effective November 11, 2017?

FINDINGS OF FACT:

Having heard the testimony and having examined the evidence in the record, the administrative law judge finds: The claimant was in town, making her required work searches for the week ending November 11, 2017. She had valid transportation and no limitations to accepting employment for the week. In error, the claimant mistakenly marked she was not able and available when completing her weekly continued claim for the week in question.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is able to and available for work.

For an individual to be eligible to receive benefits, he must be able to work, available for work, and actively seeking work as required by the unemployment insurance law. Iowa Code Section 96.4-3. The claimant has the burden to show he is able to work, available for work, and earnestly and actively seeking work. The unemployment insurance rules require that an individual be physically and mentally able to work in some full time gainful employment, not necessarily in the individual's customary occupation, but a job which is engaged in by others as a means of livelihood. 871 IAC 24.22(1).

The claimant in this case established she was able and available for work, and made valid work searches for the week ending November 11, 2017. Accordingly, she is allowed benefits, provided she is otherwise eligible.

DECISION:

The November 30, 2017, (reference 02) unemployment insurance decision is reversed. The claimant is able and available for work for the week ending November 11, 2017. Benefits are allowed, provided she is otherwise eligible.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/rvs