

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KRISTI L SMITH**  
Claimant

**APPEAL NO: 14A-UI-06571-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 04/06/14**  
**Claimant: Appellant (2)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated June 18, 2014, reference 01, that held she was not eligible for benefits for the week ending May 24, 2014, because she was not ready, able and willing to work. A hearing was held on July 17, 2014. The claimant did not participate.

**ISSUE:**

Whether the claimant is able and available for work.

**FINDINGS OF FACT:**

The administrative law judge having considered the evidence in the record finds: The claimant filed an unemployment claim effective April 6, 2014. When claimant was entering responses to the department voice claim system for the week ending May 24, she accidentally indicated no to the question whether she was ready, willing and able to work. Claimant meant to respond yes.

Claimant was not available when called the primary and alternate phone number provided.

**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 § 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as defined in § 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 § 96.5, subsection 3 are waived if the individual is not disqualified for benefits under § 96.5, subsection 1, paragraph "h".

The administrative law judge concludes claimant is eligible for benefits the week ending May 24, 2014 because she accidentally answered no rather than yes on the department voice response system to whether she was ready, willing and able to work for this week.

**DECISION:**

The department decision dated June 18, 2014, reference 01, is reversed. The claimant is eligible for benefits for the week ending May 24, 2014, and she does meet the availability requirements of the law.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

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