

## UNEMPLOYMENT INSURANCE APPEALS

**DAVID J LINK**  
Claimant

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**APPEAL NO. 19A-UI-04432-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/17/19**  
**Claimant: Appellant (2)**

Iowa Code § 96.4-3 – Able and Available

### **STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated May 21, 2019 reference 03, which held claimant not able and available for work. After due notice, a hearing was scheduled for and held on June 25, 2019. Claimant participated personally.

### **ISSUE:**

The issue in this matter is whether claimant is able and available for work.

### **FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant was suffering from allergies the week of May 5 through 11, 2019. As a result, claimant did visit his doctor. Claimant's allergies did not keep him from doing his work searches or keep him from being able and available to work. Claimant explained that his statements with the IWD official were not meant to convey that he was unable to work that week.

### **REASONING AND CONCLUSIONS OF LAW:**

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 has established the ability to work for the week of May 5 through 11, 2019. Benefits shall be allowed for the benefit week ending May 11, 2019.

**DECISION:**

The decision of the representative dated May 21, 2019, reference 03 is reversed. Claimant is eligible to receive unemployment insurance benefits for the benefit week ending May 11, 2019, provided claimant meets all other eligibility requirements.

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Blair A. Bennett  
Administrative Law Judge

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Decision Dated and Mailed

bab/scn