

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CHRISTINA M PONCE

Claimant

APPEAL 17A-UI-04571-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 02/12/17

Claimant: Appellant (2)

Iowa Code § 96.4(3) – Able and Available

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the April 26, 2017, (reference 03) decision that denied benefits for the one week period ending April 15, 2017. After due notice was issued, a hearing was held by telephone conference call on May 16, 2017. Claimant participated.

ISSUE:

Is the claimant able to and able for work?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a claim for unemployment insurance benefits with an effective date of February 12, 2017. During the week ending April 15, the claimant inadvertently indicated she was not able to and available for work during the week. The claimant was able to and available for work for the week ending April 15, 2017.

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 sufficiently demonstrated to the satisfaction of the administrative law judge that claimant was available for work the week ending April 15, 2017. Accordingly, benefits are allowed.

DECISION:

The April 26, 2017, (reference 03) decision is reversed. The claimant was able to and available for work.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/rvs