

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LISA L JIRAS**  
Claimant

**APPEAL NO: 16A-UI-10772-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 09/04/16**  
**Claimant: Appellant (1)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Lisa Jiras (claimant) appealed a representative's September 29, 2016 decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits for the week ending September 10, 2016. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on October 18, 2016. The claimant participated personally.

**ISSUE:**

The issue is whether the claimant is able and available for work.

**FINDINGS OF FACT:**

Having heard the testimony and having examined the evidence in the record, the administrative law judge finds: The claimant was separated from employment on September 6, 2016. She filed for unemployment insurance benefits with an effective date of September 4, 2016. The claimant was under stress due to personal issues and could not work for the two-week period ending September 17, 2016. For the week ending September 10, 2016, the claimant reported to the agency she was not ready, willing or able to work.

On September 30, 2016, a letter of inquiry was mailed to the claimant to respond to the agency by October 13, 2016. The claimant did not respond. The claimant has been ready, willing and able to work since September 18, 2016, but she did not report.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant was not able and available for work for the week ending September 10, 2016.

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 reported she was not ready, willing or able to work for the week ending September 10, 2016. A person who is not able to work is not eligible to receive unemployment insurance benefits. Benefits are denied.

**DECISION:**

The representative's September 29, 2016, decision (reference 01) is affirmed. The claimant is not able and available for work for the week ending September 10, 2016.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/pjs