

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

LAURA BRATT
Claimant

HY-VEE INC
Employer

APPEAL NO. 14A-UI-02123-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 12/01/13
Claimant: Appellant (4)

Iowa Code § 96.4-3 - Able and Available for Work

STATEMENT OF THE CASE:

Laura Bratt (claimant) appealed an unemployment insurance decision dated February 19, 2014, (reference 06), which held that she was not eligible for unemployment insurance benefits for the four-week period ending February 1, 2014 because she was in jail. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on March 18, 2014. The claimant participated in the hearing. The employer participated through Human Resources Manager Sheila McGuire and Hearing Representative Aaron Heyer. Claimant's Exhibit A was admitted into evidence.

ISSUE:

The issue is whether the claimant is disqualified for being unavailable or unable to work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was incarcerated in the Warren County Jail from January 8, 2014, through January 24, 2014.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is able and available for work. For an individual to be eligible to receive benefits, she must be able to work, available to work, and earnestly and actively seeking work. Iowa Code § 96.4-3; 871 IAC 24.22(2). The claimant has the burden of proof in establishing his ability and availability for work. *Davoren v. Iowa Employment Security Commission*, 277 N.W.2d 602 (Iowa 1979).

The claimant was incarcerated from January 8, 2014, through January 24, 2014. She failed to meet the availability requirements for the three-week period ending January 25, 2014, and benefits are denied for that same time frame.

DECISION:

The unemployment insurance decision dated February 19, 2014, (reference 06), is modified in favor of the appellant. Benefits are denied for the three-week period ending January 25, 2014.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/css