

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DANIEL DONOVAN
Claimant

APPEAL 19R-UI-05205-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 02/24/19
Claimant: Appellant (2)**

Iowa Code § 96.4(3) - Able and Available
871 IAC 24.2(1)e – Failure to Report

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the April 15, 2019, (reference 02) decision that denied benefits for the one week ending March 30, 2019 finding the claimant not able to and available for work. After due notice was issued, a telephone conference hearing was scheduled to be held on July 23, 2019. The remand decision from the Employment Appeal Board (EAB) as well as the administrative file made additional testimony unnecessary and no hearing was held.

ISSUE:

Was the claimant able to and available for work for the one week ending March 30, 2019?

FINDINGS OF FACT:

Having heard the testimony and having examined the evidence in the record, the administrative law judge finds: The claimant filed a weekly continuing claim and mistakenly indicated he was not able to and available for work during the week. The claimant was able to and available for work and was making the required job searches during the week.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was able to and available for work for the week ending March 30, 2019.

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 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 mistakenly indicated he was not able to and available for work for the week ending March 30, 2019. Since claimant was able to and available for work for the week, benefits are allowed provided the claimant is otherwise eligible.

DECISION:

The April 15, 2019, (reference 02) decision is reversed. The claimant was able to and available for work. Benefits are allowed effective March 24, 2019, provided the claimant is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/rvs