

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MEGAN K FITZGERALD
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 21A-UI-24435-JC-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/30/21
Claimant: Appellant (2)

Iowa Code § 96.4(3) – Ability to and Availability for Work

STATEMENT OF THE CASE:

The claimant/appellant, Megan K. Fitzgerald, filed an appeal from the October 29, 2021 (reference 05) Iowa Workforce Development (“IWD”) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on January 3, 2022. The following four appeals were held together: 21A-UI-24434-JC-T, 21A-UI-24435-JC-T, 21A-UI-24436-JC-T and 21A-UI-24438-JC-T. The claimant participated. The administrative law judge took official notice of the administrative records. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Was the claimant able to and available for work for the week of September 12 through 18, 2021?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant established her claim for unemployment insurance benefits with an effective date of May 30, 2021. Claimant was aware she was required to complete weekly job search contacts. Claimant made two job search contacts and was able to and available for work for the week-ending September 18, 2021. Claimant did not refuse work and had no restrictions to the type of work she could perform. Claimant erroneously pressed “no” to the question of whether she was able to an available for work that week when making a weekly continued claim. Claimant also pressed “0” for the number of work search contacts in error. Claimant was not using her usual computer and had no other explanation for the mistake. She did present evidence of making her job search contacts upon request to the administrative law judge.

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 a totally unemployed individual to be eligible to receive benefits, she must be able to work, available for work, and actively seeking work as required by the unemployment insurance law. Iowa Code § 96.4(3). The burden is on the claimant to establish that she is able and available for work within the meaning of the statute. Iowa Code § 96.6(2); Iowa Admin. Code r. 871-24.22.

Claimant credibly testified she pressed the incorrect button when answering her weekly continued claim question regarding whether she was able to and available for work and number of work search contacts. She presented sufficient evidence to establish she made her weekly job search contacts and was otherwise able and available for work. Therefore, the administrative law judge concludes the claimant was able to and available for work for the week ending September 18, 2021. Benefits are allowed, provided she is otherwise eligible.

DECISION:

The October 29, 2021 (reference 05) initial decision is reversed. The claimant was able to and available for work for the week ending September 18, 2021. Benefits are allowed, provided she is otherwise eligible.



Jennifer L. Beckman
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax 515-478-3528

January 27, 2022

Decision Dated and Mailed

jlb/kmj