

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BRETT A URBAN**  
Claimant

**APPEAL NO. 11A-UI-00238-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 11/28/10**  
**Claimant: Appellant (2)**

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

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's December 29, 2010 determination (reference 06) that held him ineligible to receive benefits the week ending December 4, 2010, because he was not available for work. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge concludes the claimant is eligible to receive benefits for the week ending December 4, 2010.

**ISSUE:**

Was the claimant able to and available for work the week ending December 4, 2010?

**FINDINGS OF FACT:**

The claimant established a claim for benefits during the week of November 28, 2010. He filed a claim for benefits this week. The claimant filed his weekly claim online and may have inadvertently checked that he was not available for work even though he was.

**REASONING AND CONCLUSIONS OF LAW:**

Each week a claimant files a claim for benefits he must be able to and available for work. Iowa Code § 96.4(3). The claimant was able to and available for work the week ending December 4, 2010. Even if the claimant inadvertently marked he was not available when he filed his weekly claim, mistakes occur. The evidence indicates the claimant was able to and available for work this week. Therefore, he is eligible to receive benefits for the week ending December 4, 2010.

**DECISION:**

The representative's December 29, 2010 determination (reference 06) is reversed. The claimant was able to and available for work the week ending December 4, 2010. He is eligible to receive benefits this week.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/kjw