

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

VICTORIA BOWAH
Claimant

APPEAL NO: 19A-UI-03477-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/24/19
Claimant: Appellant (2)

Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Admin. Code r. 871-24.22(2) – Able & Available - Benefits Eligibility Conditions

STATEMENT OF THE CASE:

The claimant, Victoria Bowah, filed an appeal from the April 24, 2019, (reference 08) unemployment insurance decision that denied benefits because she was not able and available for work for the week ending April 6, 2019. The claimant was properly notified about the hearing. A telephone hearing was held on May 15, 2019. The hearing was held jointly with 19A-UI-03478-JC-T. The claimant participated personally.

The administrative law judge took official notice of the administrative records including the fact-finding documents. Claimant Exhibit A was admitted. 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 work and available for work for the week ending April 6, 2019?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant established a claim for benefits with an effective date of March 24, 2019. The claimant accidentally pressed the incorrect button when making her claim for benefits for the week ending April 6, 2019 and responded she was not able to and available for work. This was not an accurate statement. The claimant has been searching for employment, has not refused work and was able to and available for work for the week ending April 6, 2019.

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 an individual to be eligible to receive benefits, he 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 claimant has the burden to show he is able to work, available for work, and earnestly and actively seeking work. The unemployment insurance rules require that an individual be physically and mentally able to work in some full time gainful employment, not necessarily in the individual's customary occupation, but a job which is engaged in by others as a means of livelihood. 871 IAC 24.22(1).

In this case, the credible evidence establishes the claimant was able to and available for work as defined by the unemployment insurance law. The claimant provided detailed information about her earnest work search for the week as well. Accordingly, the administrative law judge concludes the claimant was able to and available for work for the week ending April 6, 2019. Benefits are allowed, provided she is otherwise eligible.

DECISION:

The April 24, 2019, (reference 08) decision is reversed. The claimant was able to and available for work for the week ending April 6, 2019. Benefits are allowed, provided she is otherwise eligible.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/scn