

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**KINYATA M TERRELL**  
Claimant

**APPEAL 19A-UI-09189-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 11/03/19**  
**Claimant: Appellant (4)**

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:**

On November 22, 2019, the claimant filed an appeal from the November 20, 2019, (reference 02), unemployment insurance decision that denied benefits based upon claimant's availability for work. After due notice was issued, a telephone conference hearing was scheduled to be held on December 16, 2019. Claimant participated.

**ISSUE:**

Is the claimant able to and available for work?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: During the one week ending November 9, 2019, claimant was not available for work because her daughter was ill that week and claimant needed to care for her. Claimant's daughter returned to school the next week and claimant was available for work. Although there are times when claimant is called by the school to get her daughter, claimant has identified a back-up childcare provider to assist her with those issues.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant is not able to and available for work during the one week ending November 9, 2019, but is able to and available for work effective November 10, 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".

In this case, claimant was not available for work during the one week ending November 9, 2019, because her daughter was ill and she needed to care for her. After that, claimant's daughter returned to school and claimant was able to and available for work. Claimant is eligible for benefits effective November 10, 2019.

**DECISION:**

The November 20, 2019, (reference 02) unemployment insurance decision is modified in claimant's favor. The claimant was not able to and available for work during the one week ending November 9, 2019. Benefits are denied that week. Claimant is able to and available for work effective November 10, 2019. Benefits are allowed as of that date, provided claimant is otherwise eligible.



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December 17, 2019  
Decision Dated and Mailed

cal/scn