

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**SCOTT A HENRY**  
Claimant

**APPEAL 14A-UI-06767-LT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 04/20/14  
Claimant: Appellant (2)**

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Iowa Code § 96.4(3) – Ability to and Availability for Work  
Iowa Code § 96.4(3) – Able and Available  
Iowa Admin. Code r. 871-24.2(1)g – Continued Claim - VRU

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the June 30, 2014 (reference 05) unemployment insurance decision that denied benefits, based upon not being available to work the week ending June 7, 2014. After due notice was issued, a telephone conference hearing was held on July 23, 2014. Claimant participated.

**ISSUE:**

Was the claimant able to and available for work the week ending June 7, 2014?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant did file a weekly voice response unit (VRU) continued claim for the week ending June 7, 2014. During the filing of the claim for the week at issue, claimant pushed a button in error resulting in a notation that he was not available for work. He was.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant has established he was available for work the week ending June 7, 2014.

Iowa Code § 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 was available for work but merely pushed the wrong button in error when filing his weekly continued claim for the week ending June 7, 2014. Accordingly, benefits are allowed.

**DECISION:**

The June 30, 2014 (reference 05) unemployment insurance decision is reversed. The claimant has established he was available for work. Benefits are allowed the week ending June 7, 2014, provided he is otherwise eligible.

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Dévon M. Lewis  
Administrative Law Judge

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Decision Dated and Mailed

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