

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**MERSIJA CATIC**  
Claimant

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**APPEAL 21A-UI-21584-LJ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 06/06/21  
Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

On September 28, 2021, claimant Mersija Catic filed an appeal from the September 23, 2021 (reference 03) unemployment insurance decision that denied benefits effective August 22, 2021, on the basis that claimant was not able to work due to illness. The parties were properly notified of the hearing. A telephonic hearing was held at 1:00 p.m. on Thursday, November 18, 2021. The claimant, Mersija Catic, participated. Bosnian/English interpreter Ljupka (ID number LPBO) from CTS Language Link provided interpretation services for the hearing. The administrative law judge took official notice of the administrative record.

**ISSUE:**

Is the claimant able to work and available for work?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant opened her unemployment insurance claim with an effective date of June 6, 2021. When claimant filed her weekly claim for the one-week period ending August 28, 2021, claimant reported that she was not able to work and available for work. This was an error. Claimant's son was on the road and she was not able to file her weekly claim. She had a friend's son ultimately help her file her claim that week. Claimant experiences migraines, but she was just "a little bit off" for one day.

Claimant also reported that she conducted zero job searches. She believes her son filed two or three applications for her that week. Claimant does not understand how to read or write English and is not able to complete these tasks herself. Claimant is looking for "anything" for work, including trade work, shop work, and factory work.

When claimant was called by a fact-finder on September 9, 2021, claimant requested an interpreter and there was no interpreter available to assist her so she could participate. Claimant thinks the fact-finder was asking her about filling out her weekly claim, and claimant

tried to explain that her son was on the road and therefore he was not available to assist her. Claimant also remembers telling the person who called her that she had a headache.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant was able to work. Benefits are allowed, provided she is otherwise eligible.

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".

Iowa Admin. Code r. 871-24.22(2) provides:

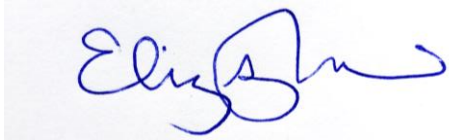
Benefits eligibility conditions. For an individual to be eligible to receive benefits the department must find that the individual is able to work, available for work, and earnestly and actively seeking work. The individual bears the burden of establishing that the individual is able to work, available for work, and earnestly and actively seeking work.

(2) Available for work. The availability requirement is satisfied when an individual is willing, able, and ready to accept suitable work which the individual does not have good cause to refuse, that is, the individual is genuinely attached to the labor market. Since, under unemployment insurance laws, it is the availability of an individual that is required to be tested, the labor market must be described in terms of the individual. A labor market for an individual means a market for the type of service which the individual offers in the geographical area in which the individual offers the service. Market in that sense does not mean that job vacancies must exist; the purpose of unemployment insurance is to compensate for lack of job vacancies. It means only that the type of services which an individual is offering is generally performed in the geographical area in which the individual is offering the services.

In order to be eligible for benefits, an individual must be able to work, available for work, and actively and earnestly seeking work. In this case, the claimant provided credible firsthand testimony that she was able to work during the week of August 22, 2021. There was simply a reporting error on her claim. The administrative law judge finds that claimant was able to work and available for work effective August 22, 2021. Benefits are allowed, provided claimant is otherwise eligible.

**DECISION:**

The September 23, 2021 (reference 03) unemployment insurance decision is reversed. Claimant was able to work and available for work effective August 22, 2021. Benefits are allowed, provided she is otherwise eligible.



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Elizabeth A. Johnson  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau

December 27, 2021

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Decision Dated and Mailed

lj/abd