

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

THOMAS WELLS
Claimant

APPEAL 17A-UI-13304-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 11/19/17
Claimant: Appellant (2)**

Iowa Code § 96.4(3) – Able to and Available for Work

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the December 14, 2017 (reference 02) unemployment insurance decision that found claimant was ineligible for unemployment benefits because he was not ready, willing or able to perform work for the week-ending November 25, 2017. The claimant was properly notified of the hearing. A telephone hearing was held on January 19, 2018. The claimant participated personally. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records.

ISSUE:

Was the claimant able to work and available for work from November 19, 2017 through November 25, 2017?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The facts in this matter are undisputed. Claimant reported that he was not able to and available for work the benefit week ending November 25, 2017 when completing his weekly claim for benefits. Claimant reported this in error. Claimant was able to and available for work for the benefit week ending November 25, 2017. Claimant has been actively and earnestly seeking work during the benefit week ending November 25, 2017.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was able to and available for work from November 19, 2017 through November 25, 2017.

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 § 96.19, subsection 38, paragraph "b", subparagraph 1, or temporarily unemployed as defined in § 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 § 96.5, subsection 3 are waived if the individual is not disqualified for benefits under § 96.5, subsection 1, paragraph "h".

The claimant has sufficiently demonstrated to the satisfaction of the administrative law judge that claimant was available for work and able to work the benefit week of November 19, 2017 through November 25, 2017. Accordingly, benefits are allowed for November 19, 2017 through November 25, 2017, so long as claimant is otherwise eligible.

DECISION:

The December 14, 2017 (reference 02) unemployment insurance decision is reversed. The claimant was able to and available for work from November 19, 2017 through November 25, 2017. Benefits are allowed for November 19, 2017 through November 25, 2017, provided he is otherwise eligible.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

db/rvs