

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

TRAVIS R DOLASH
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 14A-UI-13125-LT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 07/20/14
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

The claimant filed a timely appeal from a November 17, 2014 (reference 05) decision that found the claimant ineligible for benefits for the week ending August 30, 2014 because of reporting on the continued claim he was not able to or available for work. Claimant responded to the hearing notice instruction but no hearing was scheduled or held as there was sufficient evidence in the appeal letter and accompanying documents to resolve the matter without testimony.

ISSUE:

Was the claimant able to and available for work the week ending August 30, 2014?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a weekly voice response unit (VRU) continued claim for the week ending August 30, 2014. During the filing of the claim for the week at issue, claimant pushed a button in error indicating he was not able to and available for work. He was able to and available for work for that week.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant has established he was able to and available for work the week ending August 30, 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".

Iowa Admin. Code r. 871-24.23(27) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(27) Failure to report on a claim that a claimant made any effort to find employment will make a claimant ineligible for benefits during the period. Mere registration at the workforce development center does not establish that a claimant is able and available for suitable work. It is essential that such claimant must actively and earnestly seek work.

The claimant has sufficiently demonstrated to the satisfaction of the administrative law judge that he was able to and available for work for the time period in question. Accordingly, benefits are allowed.

DECISION:

The November 17, 2014 (reference 05) decision is reversed. Benefits are allowed for the week ending August 30, 2014, provided he is otherwise eligible.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

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