

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

REFUGIO BELTRAN
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Appeal Number: 05A-UI-11165-DWT
OC: 09/18/05 R: 04
Claimant: Appellant (2)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.4-3 – Ability to and Availability for Work

STATEMENT OF THE CASE:

Refugio Beltran (claimant) appealed a representative's October 26, 2005 decision (reference 01) that concluded he was not eligible to receive unemployment insurance benefits as of September 18, 2005, because he was not able to work. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled on November 16, 2005. Prior to November 16, the Department issued an amended decision that resolved this issue. Based on the decision issued on November 4, 2005, (reference 04) the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

FINDINGS OF FACT:

The claimant appealed a representative's October 26 decision (reference 01) that held he was not eligible to receive unemployment insurance benefits as of September 18, 2005. After

considering additional information, a representative issued another decision on November 4, 2005. This decision (reference 04) concluded the claimant was able to work and eligible to receive unemployment insurance benefits as of September 18, 2005.

REASONING AND CONCLUSIONS OF LAW:

Since the Department issued a decision on November 4 (reference 04) that resolved the claimant's appeal issue, the November 16, 2005 scheduled hearing was cancelled. As of September 18, 2005, the claimant is able to and available for work.

DECISION:

The representative's October 26, 2005 decision (reference 01) has been reversed or amended by a subsequent November 4, 2005 decision (reference 04). Based on the November 4 decision, the claimant is eligible to receive unemployment insurance benefits as of September 18, 2005, provided he meets all other eligibility requirements.

dlw/tjc