

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**KATHLEEN M GRUMADAS**  
Claimant

**APPEAL 16A-UI-07997-DB-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 02/21/16  
Claimant: Appellant (2)**

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Iowa Code § 96.4(3) – Able and Available

**STATEMENT OF THE CASE:**

The claimant/appellant filed a timely appeal from a July 12, 2016 (reference 01), decision that found the claimant ineligible for benefits for the week of June 19, 2016 through June 25, 2016 because of indicating unavailability for work when making the weekly claim. After due notice was issued, a hearing was held on August 9, 2016, with the claimant participating personally and through witness Secretary Sherri Dietz.

**ISSUE:**

The issue is whether claimant was able and available for work from June 19, 2016 through June 25, 2016.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant's testimony that she was available for work the week of the claim is credible. During the filing of the telephone claim for the week at issue, claimant pushed a button in error resulting in incorrect telephone response data.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant has made appropriate in person work search contacts.

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 the week of June 19, 2016 through June 25, 2016. Accordingly, benefits are allowed.

**DECISION:**

The July 12, 2016 reference 01, decision is reversed. The claimant did make herself available for work from June 19, 2016 through June 25, 2016. Benefits are allowed, provided the claimant is otherwise eligible. No overpayment shall result from this decision.

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Dawn Boucher  
Administrative Law Judge

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Decision Dated and Mailed

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