

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**BILLY L WORLEY**  
Claimant

**APPEAL 19A-UI-01502-DB-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 01/06/19**  
**Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the February 11, 2019 (reference 01) unemployment insurance decision that found claimant was ineligible for unemployment benefits because he was not ready, willing or able to perform work. The claimant was properly notified of the hearing. A telephone hearing was held on March 6, 2019. 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 and available for work January 13, 2019 through January 19, 2019?

**FINDINGS OF FACT:**

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

Claimant reported that he was not able to and available for work the benefit week ending January 19, 2019 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 January 19, 2019.

**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 January 13, 2019 through January 19, 2019.

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 he was available for work and able to work January 13, 2019 through January 19, 2019. Accordingly, benefits are allowed, provided claimant is otherwise eligible.

**DECISION:**

The February 11, 2019 (reference 01) unemployment insurance decision is reversed. The claimant was able to and available for work from January 13, 2019 through January 19, 2019. Benefits are allowed, provided he is otherwise eligible.

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Dawn Boucher  
Administrative Law Judge

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Decision Dated and Mailed

db/rvs