

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**DEBORA J EBERLING**  
Claimant

**APPEAL 17A-UI-05470-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 03/26/17  
Claimant: Appellant (2)**

---

Iowa Code § 96.4(3) – Ability to and Availability for Work  
Iowa Admin. Code r. 871-24.22(2) – Able & Available - Benefits Eligibility Conditions

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the May 22, 2017, (reference 03), unemployment insurance decision that denied benefits for the week ending May 6, 2017, based upon the claimant's availability for work. After due notice was issued, a telephone conference hearing was scheduled to be held on June 8, 2017. Claimant participated.

**ISSUE:**

Is the claimant able to work and available for work during the week ending May 6, 2017?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: When the claimant made her weekly continued claim for the week ending May 6, 2017, she mistakenly stated that she was not able to or available for work that week. Claimant was able to and available for work during the week ending May 6, 2017.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant was able to work and available for work for the period in question.

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".

In this case, claimant was able to and available for work during the week ending May 6, 2017.

**DECISION:**

The May 22, 2017, (reference 03) unemployment insurance decision is reversed. The claimant is able to work and available for work during the week ending May 6, 2017. Benefits are allowed, provided claimant is otherwise eligible.

---

Christine A. Louis  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515)478-3528

---

Decision Dated and Mailed

cal/scn