

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**SANDRA Y ROSADO**  
Claimant

**APPEAL 19A-UI-07942-JC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 09/08/19**  
**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/appellant, Sandra Y. Rosado, filed an appeal from the October 1, 2019 (reference 02) Iowa Workforce Development (“IWD”) unemployment insurance decision which denied benefits. The claimant was properly notified about the hearing. A telephone hearing was held on October 30, 2019. The claimant participated and through two Spanish interpreters with CTS Language Link. The administrative law judge took official notice of the administrative records including the fact-finding documents. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Is the claimant able to work and available for work effective September 8, 2019?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was most recently employed full-time as a production worker at Tyson Fresh Meats Inc. Since establishing her claim for unemployment insurance benefits with an effective date of September 8, 2019, she has been conducting her weekly job searches, looking for full-time employment in packing, cashiering, or stocking, consistent with her experience. She has not refused any offers of work. She has no medical conditions or other restrictions to the type of work she can accept.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant is able to and available for work effective September 8, 2019. Benefits are allowed.

For an individual to be eligible to receive benefits, she must be able to work, available for work, and actively seeking work as required by the unemployment insurance law. Iowa Code §

96.4(3). The claimant has the burden to show he is able to work, available for work, and earnestly and actively seeking work. The unemployment insurance rules require that an individual be physically and mentally able to work in some full time gainful employment, not necessarily in the individual's customary occupation, but a job which is engaged in by others as a means of livelihood. 871 IAC 24.22(1).

In this case, the evidence establishes the claimant is able to and available for work as defined by the unemployment insurance law. She is making her required job search contacts each week for employment consistent with her experience and has no restrictions to employability. Accordingly, the administrative law judge concludes she meets the eligibility requirements outlined in Iowa Code § 96.4(3). Benefits are allowed, provided she is otherwise eligible.

**DECISION:**

The October 1, 2019 (reference 02) initial decision is reversed. The claimant is able to and available for work effective September 8, 2019. Benefits are allowed, provided she is otherwise eligible.

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Decision Dated and Mailed

jlb/scn