

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CASEY N MOORE
Claimant

APPEAL 16A-UI-11263-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 08/28/16
Claimant: Appellant (2)

Iowa Code § 96.4(3) – Able and Available

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the October 6, 2016, (reference 02) decision that denied benefits effective September 25, 2016 finding the claimant had failed to report as directed. After due notice was issued, a hearing was scheduled to be held by telephone conference call on November 2, 2016. The claimant's appeal letter and subsequent agency action rendered a hearing unnecessary.

ISSUE:

Should the representative's October 6, 2016, (reference 02) decision be reversed so as to be consistent with subsequent agency action in reference 03?

FINDINGS OF FACT:

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

Having reviewed all of the evidence in the record, the administrative law judge finds: The decision appealed has been amended in favor of the appellant by the reference 03 representative's decision.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the representative's decision should be reversed.

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".

Since the decision appealed has been amended in favor of the appellant, the original representative's decision bearing reference 02 is reversed.

DECISION:

The October 6, 2016, (reference 02) unemployment insurance decision is reversed. Benefits are allowed, provided the claimant is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/pjs