

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

KENDALL J WALLENDAL
Claimant

APPEAL NO. 14A-UI-06520-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 04/13/14
Claimant: Appellant (2)**

Iowa Code § 96.4(3) – Able and Available

STATEMENT OF THE CASE:

The claimant filed an appeal from the June 13, 2014 (reference 02) unemployment insurance decision that denied benefits for one week ending May 24, 2014. After due notice was issued a hearing was scheduled to be held on July 16, 2014. The claimant did not participate in the hearing as he did not provide a telephone number where he could be reached for the hearing. After reviewing the claimant's appeal letter, the administrative law judge concluded that the matter could be resolved based upon the claimant's appeal letter alone and no additional testimony was necessary.

ISSUE:

Was the claimant able to and available for work for the week ending May 24, 2014?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant's appeal letter indicating that he was available for work the week of the claim is credible. During the filing of the claim online for the week at issue, the claimant checked the wrong box in error resulting in incorrect 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 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".

The claimant has sufficiently demonstrated to the satisfaction of the administrative law judge that claimant was available for work the week ending May 24, 2014. Accordingly, benefits are allowed.

DECISION:

The June 13, 2014 (reference 02) decision is reversed. The claimant did make himself available for work the week ending May 24, 2014. Benefits are allowed, provided the claimant is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

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