

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**JOYCE M CORUM**  
Claimant

**APPEAL 16A-UI-05776-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 03/06/16  
Claimant: Appellant (2)**

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Iowa Code § 96.4(3) – Able and Available

**STATEMENT OF THE CASE:**

Claimant filed a timely appeal from the May 12, 2016 (reference 06) decision that denied benefits finding the claimant not able to and available for work. After due notice was issued, a hearing was held by telephone conference call on June 8, 2016. Claimant participated.

**ISSUE:**

Is the claimant able to and available for work?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant is currently attending school via an online education institution. She has been approved for department approved training (DAT). She has some days where she is busy online most of the day with class or homework. She has worked full-time and part-time hours both first and second shifts and is able to work between 20 to 25 hours per week, which is very similar to what she worked while she earned the wages that are in her base period. The claimant is seeking work that would be available for both first and second shift positions.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant is able to work and available for work.

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 is willing and able to work for at least 20 hours per week. She is able to work during hours when work she previously performed is available. The claimant has been approved for DAT. Under these circumstances that administrative law judge concludes that the claimant is able to and available for work. Accordingly, benefits are allowed.

**DECISION:**

The May 12, 2016 (reference 06) decision is reversed. The claimant is able to work and available for work effective March 6, 2016. Benefits are allowed.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

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