

**IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI**

**THOMAS NELSON  
4525 – 49<sup>TH</sup> ST  
DES MOINES IA 50310**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**Appeal Number: 04A-UI-10865-ET  
OC: 03-14-04 R: 02  
Claimant: Appellant (2)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 2<sup>nd</sup> Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.4-3 - Able and Available for Work

STATEMENT OF THE CASE:

The claimant filed a timely appeal from a representative's decision dated September 23, 2004, reference 03, which denied benefits from August 15 through September 4, 2004. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on November 1, 2004. The claimant participated in the hearing.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant went to Cincinnati, Ohio, from August 15 through September 4, 2004. He believed he had exhausted his employment leads in the Des Moines area and decided to go to Cincinnati, for a few weeks because he had family living there and had an opportunity to network for jobs through their connections in that area. The claimant made job searches in Cincinnati during the time he was gone.

REASONING AND CONCLUSIONS OF LAW:

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

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While the claimant was in Cincinnati staying with family members for three weeks and consequently was not able and available for work in the Des Moines area, he did conduct job searches while in Cincinnati and therefore can be considered to have been in the labor market. Accordingly, the administrative law judge concludes the claimant was able and available for work. Benefits are allowed.

DECISION:

The September 23, 2004, reference 03, decision is reversed. The claimant was able to work and available for work effective August 15, 2004. Benefits are allowed.

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