

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

NATE S THOMPSON
2172 NEMAHA LN
LOGAN IA 51546

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 05A-UI-00144-DWT
OC: 07/11/04 R: 01
Claimant: Appellant (1)

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, 4th 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.4-3 – Able to and Available for Work

STATEMENT OF THE CASE:

Nate S. Thompson (claimant) appealed a representative's December 23, 2004 decision (reference 03) that concluded he was not eligible to receive benefits for the week ending September 18, 2004 because he was on vacation. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on January 20, 2005. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is the claimant eligible to receive unemployment insurance benefits for the week ending September 18, 2004?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of July 11, 2004. He filed a claim for benefits for the week ending September 18, 2004. The claimant left town with friends on September 14, 2004. He returned from his vacation on Saturday or Sunday, September 18 or 19.

REASONING AND CONCLUSIONS OF LAW:

Each week a claimant files a claim for unemployment insurance benefits, he must be able to and available for work. Iowa Code §96.4-3. The law presumes a claimant is not able to or available for work when he is out of town for personal reasons for the major portion of the workweek. 871 IAC 24.24(25). The claimant was out of town for about five days during the week ending September 18, 2004. He is not eligible to receive unemployment insurance benefits because he was not available to work while he was on vacation. The claimant is not eligible to receive unemployment insurance benefits during the week ending September 18, 2004.

DECISION:

The representative's December 23, 2004 decision (reference 03) is affirmed. The claimant was not available to work the majority of the week ending September 18, 2004. Therefore, he is not eligible to receive unemployment insurance benefits for this week.

dlw/sc