

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

TIFFANY A DELONG
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL NO. 14A-UI-09160-GT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 07/13/14
Claimant: Appellant (1)**

Iowa Code § 96.4-3 – Able and Available
Iowa Admin. Code r. 871-24.22(2) – Able & Available - Benefits Eligibility Conditions

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated August 26, 2014, reference 04, which held claimant was not able and available for work. After due notice, a hearing was scheduled for and held on September 25, 2014. Claimant participated personally.

ISSUE:

The issue in this matter is whether claimant is able and available for work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant was on vacation beginning on August 25, 2014 through August 30, 2014. She informed the workforce development advisor that she was not able to attend workforce development workshops during those dates, and she was not available to work or attend job interviews during those times.

REASONING AND CONCLUSIONS OF LAW:

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".

Iowa Admin. Code r. 871-24.23(13), (25) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(13) If a claimant is visiting in another area and is not in the labor market.

(25) If the claimant is out of town for personal reasons for the major portion of the workweek and is not in the labor market.

Inasmuch as the claimant was on vacation and out of town beginning August 25, 2014 through August 30, 2014, the claimant has not established the ability to work during those dates. Benefits are withheld from August 24, 2014 through August 30, 2014 only.

DECISION:

The decision of the representative dated August 26, 2014, reference 04 is affirmed. Claimant is not eligible to receive unemployment insurance benefits, beginning August 24, 2014 through August 30, 2014.

Duane L. Golden
Administrative Law Judge

Decision Dated and Mailed

dlg/pjs