

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

DUSTIN J PRICE  
625 SOUTHVIEW DR  
ROCKWELL IA 50469-9538

IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT

Appeal Number: 06A-UI-07931-S2T  
OC: 07/02/06 R: 02  
Claimant: Appellant (4)

**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, 4<sup>th</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.

---

(Administrative Law Judge)

---

(Decision Dated & Mailed)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Dustin Price (claimant) appealed a representative's August 1, 2006 decision (reference 05) that concluded he was not eligible to receive unemployment insurance benefits. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on August 23, 2006. The claimant participated personally.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant filed for unemployment insurance benefits with an effective date of July 2, 2006. The claimant was able and available for work for the week

ending July 8, 2006. The claimant found other employment on July 13, 2006. The claimant worked approximately 15 hours the week ending July 15, 2006. For the week ending July 22, 2006, the claimant worked approximately 26 hours. The claimant was not scheduled to work the week ending July 29, 2006. He left the country to go fishing in Canada from July 24 through 28, 2006.

#### REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant was able and available for work during the month of July 2006.

871 IAC 24.23(23), (25) provides:

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

(23) The claimant's availability for other work is unduly limited because such claimant is working to such a degree that removes the claimant from 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.

When an employee is unable to perform work because he is out of town for personal reasons he is considered to be unavailable for work. Likewise when an employee is unavailable for other work because is working so much as to be removed from the labor market, he is considered to be unavailable for work. The claimant was working at least 26 hours for the week ending July 22, 2006, and earned wages exceeding his weekly benefit amount. During the week ending July 29, 2006, the claimant left the country for personal reasons. He is considered to be unavailable for work for the two-week period ending July 29, 2006, because he was working or out of town. The claimant is disqualified from receiving unemployment insurance benefits for the two-week period ending July 29, 2006, due to his unavailability for work.

#### DECISION:

The representative's August 1, 2006 decision (reference 05) is modified in favor of the appellant. The claimant is disqualified from receiving unemployment insurance benefits for the two-week period ending July 29, 2006, because he was not available for work.

bas/kjw