

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

JAMES K VAN AMPTING  
6105 W 52<sup>ND</sup> ST  
SIOUX FALLS SD 57117

BRIDGEWATER BOAT AND  
AUTO SALES INC  
3120 – 18<sup>TH</sup> ST  
SPIRIT LAKE IA 51360

Appeal Number: 05A-UI-02387-HT  
OC: 12/19/04 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, 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.4-3 – Able and Available.

STATEMENT OF THE CASE:

The claimant, James Van Ampting, filed an appeal from a decision dated March 2, 2005, reference 03. The decision found the claimant ineligible from receiving unemployment benefits for the one-week period ending January 29, 2005. After due notice was issued a hearing was held by telephone conference call on March 24, 2005. The claimant participated on his own behalf. The employer, Bridgewater Boat and Auto Sales, Inc. (Bridgewater), did not provide a telephone number where a representative could be contacted and did not participate.

#### FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: James Van Ampting filed a claim for unemployment benefits with an effective date of December 19, 2004.

He was out of the state of Iowa from Thursday, January 20 until Thursday, January 27, 2005, on personal business.

#### REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is ineligible for benefits. The judge concludes he is.

Iowa Code section 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".

871 IAC 24.23(25) provides:

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

(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.

Mr. Van Ampting was out of the state for the majority of the week ending January 29, 2005. Under the provisions of the above Administrative Code section, he is ineligible for benefits during that week.

#### DECISION:

The representative's decision of March 2, 2005, reference 03, is affirmed. James Van Ampting is ineligible for benefits for the week ending January 29, 2005.

bgh/tjc