

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**SHELLEY ELLICKSON**  
Claimant

**APPEAL NO. 11A-UI-10485-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 06/19/11**  
**Claimant: Appellant (2)**

Iowa Code § 96.4(3) – Ability to and Availability for Work

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's August 5, 2011 determination (reference 01) that held her ineligible to receive benefits for the week ending August 6, 2011. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge finds the claimant eligible to receive benefits for the week ending August 6, 2011.

**ISSUE:**

Is the claimant eligible to receive benefits for the week ending August 6, 2011?

**FINDINGS OF FACT:**

The claimant established a claim for benefits during the week of June 19, 2011. The claimant filed a claim for the week ending August 6, 2011.

The week of July 31, the claimant drove her daughter's car to South Bend, Indiana, to help her daughter move to college. Although the claimant was gone from her home for four or more days this week, she looked for work over the Internet. If the claimant would have received a call for an interview or a job that week, she could have been home within a short time. The claimant was about five hours away from her home.

**REASONING AND CONCLUSIONS OF LAW:**

Each week a claimant files a claim for benefits, she must be able to and available for work. Iowa Code § 96.4(3). The law presumes a claimant is not available for work when she is out of town for personal reasons a majority of the week. 871 IAC 24.23(25). Even though the claimant was out of town for personal reasons, she was still looking for work and could have returned home for a job interview or work in 24 hours or less. In this case, the claimant established she was available for work the week ending August 6, 2011.

**DECISION:**

The representative's August 5, 2011 determination (reference 01) is reversed. In this case, the claimant established she was available for work the week ending August 6, 2011. Therefore, she is eligible to receive benefits for the week ending August 6, 2011.

---

Debra L. Wise  
Administrative Law Judge

---

Decision Dated and Mailed

dlw/kjw