

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI	
DAVID N WARNER Claimant	APPEAL NO. 12A-UI-10480-S2T
SCOTTS MANUFACTURING COMPANY Employer	ADMINISTRATIVE LAW JUDGE DECISION
	OC: 07/29/12 Claimant: Appellant (2)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

David Warner (claimant) appealed a representative's August 20, 2012 decision (reference 03) that concluded he was not eligible to receive unemployment insurance benefits from July 29, 2012, because he was unable to work during that period for Scotts Manufacturing Company (employer). The claimant participated personally and through his wife, Virginia Lenix-Warner. The employer did not provide a telephone number where it could be reached and therefore, did not participate in the hearing.

ISSUE:

The issue is whether the claimant is available for work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant worked for the employer from February 28, 2001, to June 29, 2012. The claimant filed for unemployment insurance benefits with an effective date of July 29, 2012. He has not been out of town since July 29, 2012, and has at all times been able and available for work.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes the claimant is eligible to receive unemployment insurance benefits..

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.

When an employee is out of town for a major portion of the week, he is considered to be unavailable for work. The claimant has not been out of town and has remained able and available for work. The claimant is eligible to receive unemployment insurance benefits.

DECISION:

The representative's August 20, 2012 decision (reference 03) is reversed. The claimant is eligible to receive unemployment insurance benefits.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css