

**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**

**MIKE S PARKER
2698 3RD AVE
MARION IA 52302**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 04A-UI-03705-AT
OC: 02-08-04 R: 03
Claimant: Appellant (5)**

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, 4th 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 – Available for Work
Section 871 IAC 24.6(6) – Re-Employment Services

STATEMENT OF THE CASE:

Mike S. Parker filed a timely appeal from an unemployment insurance decision dated March 22, 2004 reference 02 which denied benefits for the week ending March 20, 2004 upon a finding that he had not established justifiable cause for failing to participate in re-employment services. Due notice was issued for a telephone hearing to be held April 21, 2004. Mr. Parker did not provide a telephone number for which he could be contacted. This decision is based on information in his appeal letter.

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: Mike S. Parker was scheduled to participate in a re-employment services class on March 17, 2004. He missed the class because he was out-of-town from March 14 to March 23 because a relative of Mr. Parker's was in the hospital. He made up the class on March 31, 2004.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Mr. Parker is entitled to receive unemployment insurance benefits for the week ending March 20, 2004. He is not.

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".

The evidence in this record establishes that Mr. Parker was away from his local labor market for the week in question. An individual away from his local labor market area for the majority of a week is considered to be unavailable for work and thus ineligible for unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated March 22, 2004 reference 02 is modified. Benefits are withheld for the week ending March 20, 2004 because the claimant was out-of-town on personal matters.

sb/b