

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HOLLIS H COLLIVER
Claimant

APPEAL NO. 15A-UI-09503-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

FARMERS COOPERATIVE ASSOCIATION
Employer

OC: 12/21/14
Claimant: Appellant (4)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Hollis Colliver (claimant) appealed a representative's August 20, 2015, decision (reference 07) that concluded he was not eligible to receive unemployment insurance benefits from January 11, 2015, through February 7, 2015, because he was unable to work during that period for Farmers Cooperative Association (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for September 9, 2015. The claimant participated personally. The employer participated by Luann Cave, Human Resources Manager.

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 April 11, 2011, until the present as an on-call mail carrier. The claimant was on vacation in Florida for the last two weeks in January 2015.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes the claimant was not available for work for the two-week period ending January 31, 2015.

Iowa Admin. Code r. 871-24.23(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, he is considered to be unavailable for work. The claimant was in Florida for two weeks. He is considered to be unavailable for work for the two-week period ending January 31, 2015. The claimant is disqualified from receiving unemployment insurance benefits for the two week period ending January 31, 2015, due to his unavailability for work.

DECISION:

The representative's August 20, 2015 decision (reference 07) is modified in favor of the appellant. The claimant is disqualified from receiving unemployment insurance benefits for the two week period ending January 31, 2015, due to his unavailability for work.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css