

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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| HARSHA KUDIGRAM Claimant IOWA WORKFORCE DEVELOPMENT DEPARTMENT | <div>68-0157 (9-06) - 3091078 - EI</div> <div>APPEAL NO. 11A-UI-02080-M2T ADMINISTRATIVE LAW JUDGE DECISION</div> <div>OC: 01/03/11 Claimant: Appellant (2)</div> |
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Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated February 23, 2011, reference 03, which held claimant not able and available for work. After due notice, a telephone conference hearing was scheduled for and held on March 19, 2010.

ISSUE:

The issue in this matter is whether claimant is able and available for work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds: The claimant was out of town from January 25 through February 13, 2011. However, while out of town, he continued his work search and was able and available to return promptly should work have been offered. He was able and available and not out of the labor market.

REASONING AND CONCLUSIONS OF LAW:

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.

The claimant was out town from January 25 through February 13, 2011, but he continued his work search and was able and available to return promptly should work have been offered. He was able and available and not out of the labor market. Benefits shall be allowed.

DECISION:

The decision of the representative dated February 23, 2011, reference 03 is reversed. Claimant is eligible to receive unemployment insurance benefits for the period the decision disqualified him, provided claimant meets all other eligibility requirements.

Stan McElderry
Administrative Law Judge

Decision Dated and Mailed

srm/kjw