

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEBORAH E BURGIN
Claimant

APPEAL NO. 15A-UI-00151-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

OC: 08/24/14
Claimant: Appellant (4)

Section 96.4-3 – Able and Available
871 IAC 24.23(10) – Voluntary Leave of Absence

STATEMENT OF THE CASE:

Deborah Burgin (claimant) appealed a representative's January 7, 2015 decision (reference 05) that concluded she was not eligible to receive unemployment insurance benefits because she was out of town and unable to work for Express Services (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for January 29, 2015. The claimant participated personally. 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 October 13 to December 5, 2014. The claimant was in Sweetwater, Tennessee, from December 7, through 25, 2014, for personal reasons. She arrived back home on December 26, 2014, and made herself available for work to the employer.

The claimant filed her claim for benefits on August 24, 2014. She reopened her claim on December 14, 2014.

REASONING AND CONCLUSIONS OF LAW:

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

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 goes out of town for personal reasons, she is considered to be unavailable for work. The claimant went to Tennessee for personal reasons. She is considered to be unavailable for work from December 14 through December 27, 2014. The claimant is disqualified from receiving unemployment insurance benefits for the two-week period ending December 27, 2014, due to her unavailability for work.

DECISION:

The representative's January 7, 2015, decision (reference 05) is modified in favor of the claimant. The claimant is disqualified from receiving unemployment insurance benefits for the two-week period ending December 27, 2014, due to her unavailability for work.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs