

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

AARON R OSTREM
605 N 7TH ST
OSKALOOSA IA 52577

IOWA WORKFORCE DEVELOPMENT
DEPARTMENT

Appeal Number: 04A-UCX-00007-CT
OC: 05/16/04 R: 03
Claimant: Appellant (1)

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) – Able and Available
Section 871IAC24.2(1)e – Reporting Requirements

STATEMENT OF THE CASE:

Aaron Ostrem filed an appeal from a representative's decision dated June 7, 2004, reference 01, which denied benefits effective May 30, 2004 on a finding that he failed to report to his local office as directed. Due notice was issued scheduling the matter for a telephone hearing to be held on July 12, 2004. Mr. Ostrem opted to stand on the evidence of record.

FINDINGS OF FACT:

Having reviewed all the evidence in the record, the administrative law judge finds: On May 26, 2004, Mr. Ostrem was mailed a notice that an interview was scheduled with Iowa Workforce Development on June 2, 2004. He was out of town at the time and did not receive the notice. Mr. Ostrem claimed benefits for the week ending May 22, 2004. He did not claim benefits again until he filed an additional claim effective June 13, 2004.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether any disqualification should be imposed as a result of Mr. Ostrem's failure to be available for the interview scheduled for June 2, 2004. Because he was not available to receive the notice, he could not have known that he needed to be available on that date. Therefore, no disqualification is imposed for the failure to be available for the interview.

Inasmuch as Mr. Ostrem was out of town, he was not available for work within the meaning of Iowa Code Section 96.4(3). He had returned to town when he filed his additional claim effective June 13, 2004. Because Mr. Ostrem did not claim benefits during the period from May 23 through June 12, 2004, the issue of his availability for work during this period is moot.

DECISION:

The representative's decision dated June 7, 2004, reference 01, is hereby affirmed. Mr. Ostrem was not eligible to receive job insurance benefits from May 30 through June 12, 2004 as he was not available for work.

cfc/kjf