

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

CRAIG A SCHULTE
Claimant

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

APPEAL NO. 19A-UI-07891-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 07/21/19
Claimant: Appellant (1)

Iowa Code § 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated October 3, 2019 reference 02, which held claimant not able and available for work. After due notice, a hearing was scheduled for and held on October 29, 2019. Claimant participated personally.

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 considered all of the evidence in the record, finds: Claimant has been unemployed since April, 2019 and requalified for benefits in July, 2019. September 15 through September 28, 2019 claimant was out-of-town helping a friend move to Arizona. Claimant argued that during the time he was out-of-town, he remained able and available for work as he could have done phone interviews and could have flown back in a day (although he'd driven to Arizona) to start a new job, had one been offered.

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".

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.

Claimant's choice to be out-of-town for personal reasons for two weeks is seen under Iowa law as disqualifying that person from receiving benefits for those weeks. Benefits are denied for the weeks of September 15, 2019 – September 28, 2019.

DECISION:

The decision of the representative dated October 3, 2019, reference 02 is affirmed. Claimant is not eligible to receive unemployment insurance benefits for the weeks of September 15, 2019 – September 28, 2019 as he was not able and available for work.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn