

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARK J MORROW

Claimant

APPEAL NO. 06A-UI-11002-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 10/15/06 R: 05
Claimant: Appellant (2)**

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Mark Morrow (claimant) appealed a representative's November 7, 2006 decision (reference 04) that found he was not eligible to receive unemployment insurance benefits from October 29 through November 3, 2006, because he was not available for work. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on November 30, 2006. The claimant did participate.

ISSUE:

The issue is whether the claimant was 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 lives in a small town. From October 31 through November 2, 2006, the claimant traveled daily to Sioux Falls, South Dakota, to look for work. The claimant carried his cellular telephone with him and was available for work during those days.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant was available for work.

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.

When an employee is out of town for personal reasons he is considered to be unavailable for work. The claimant was out of town to seek work. He carried his cellular telephone with him. He is considered to be available for work. The claimant is not disqualified from receiving unemployment insurance benefits.

DECISION:

The representative's November 7, 2006 decision (reference 04) is reversed. The claimant is not disqualified from receiving unemployment insurance benefits. He was available for work from October 29 through November 3, 2006.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs