

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

JAMES H GARVIN
4800 GRAND AVE APT I-201
DAVENPORT IA 52807-1025

DOHRN TRANSFER COMPANY
625 - 3RD AVE
ROCK ISLAND IL 61201

Appeal Number: 06A-UI-06512-S2T
OC: 05/21/06 R: 04
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

STATEMENT OF THE CASE:

James Garvin (claimant) appealed a representative's June 12, 2006 decision (reference 02) that concluded he was not eligible to receive unemployment insurance benefits from May 21 through May 27, 2006, because he was unable to work during that period for Dohrn Transfer Company (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 13, 2006. The claimant participated personally. The employer participated by Sally Jackson, Human Resources Manager, and Russ Sheffler, Central Regional Manager.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on January 30, 2006 as a full-time city driver. The claimant requested time off to attend his grandfather's funeral and the employer granted his request. The claimant was gone from May 20 to 27, 2006.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant was able and available for work. For the following reasons, the administrative law judge concludes he is not.

871 IAC 24.23(7) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(7) Where an individual devotes time and effort to becoming self-employed.

When an employee requests and is granted time off, he is considered to be unavailable for work. He is considered to be unavailable for work from May 20 to 25, 2006. The claimant is disqualified from receiving unemployment insurance benefits through May 27, 2006, due to his unavailability for work.

DECISION:

The representative's June 12, 2006 decision (reference 02) is affirmed. The claimant is disqualified from receiving unemployment insurance benefits because he is not available for work with the employer.

bas/kkf