

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LARS BROWNLIE**  
Claimant

**APPEAL NO. 15A-UI-05486-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 03/01/15  
Claimant: Appellant (2)**

Iowa Code Section 96.4(3) – Able & Available

**STATEMENT OF THE CASE:**

Lars Brownlie filed a timely appeal from the May 4, 2015, reference 01, decision that denied benefits for the week ending April 11, 2015, based on an Agency conclusion that Mr. Brownlie was not available for work during that week because he was out of town. After due notice was issued, a hearing was held on June 16, 2015. Mr. Brownlie participated. The hearing in this matter was consolidated with the hearing in Appeal Numbers 15A-UI-05487-JTT and 15A-UI-06889-JTT. Mr. Brownlie waived formal notice regarding 15A-UI-06889-JTT, regarding his appeal from the May 4, 2015, reference 03, decision. Exhibit A and Department Exhibits D-1, D-2 and D-3 were received into evidence.

**ISSUES:**

Whether Mr. Brownlie met the work availability requirement during the benefit week that ended April 11, 2015. He did.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Lars Brownlie established a claim for benefits that was effective March 1, 2015. Workforce Development categorized Mr. Brownlie as a group 6 claimant, someone who relies upon networking and resumes to search for work and/or someone who resides a substantial distance from prospective work. Mr. Brownlie received benefits for the eight weeks between March 1, 2015 and April 25, 2015. The benefits disbursed to Mr. Brownlie included \$416.00 in benefits for the week that ended April 11, 2015. On April 4, 2015, Mr. Brownlie traveled with his wife to Wichita, Kansas to care for their grandchildren while the children's parents were away. Mr. Brownlie was mindful of his work search when he traveled to Kansas. Mr. Brownlie had an express agreement with his family that if suitable work became available in Iowa, he would immediately return to Iowa. During the week that ended April 11, 2015, while Mr. Brownlie was in Kansas, he submitted resumes to two prospective employers. Mr. Brownlie arrived back home in Iowa on April 13, 2015.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code § 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(13) provides:

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

(13) If a claimant is visiting in another area and is not in the labor market.

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.

The evidence in the record establishes that while Mr. Brownlie was in Kansas, he remained in the labor market. He continued his active and earnest search for new employment by submitting resumes to two prospective employers. He remained available to return home immediately in furtherance of his work search. Mr. Brownlie satisfied the work availability requirement during the week that ended April 11, 2015. Mr. Brownlie is eligible for benefits for the week that ended April 11, 2015, provided he meets all other eligibility requirements.

**DECISION:**

The May 4, 2015, reference 01, decision is reversed. The claimant was available for work during the week that ended April 11, 2015 and is eligible for benefits for that week, provided he meets all other eligibility requirements.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/pjs