

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DENNIS P SWEENEY
Claimant

APPEAL NO. 15A-UI-06076-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 04/05/15
Claimant: Appellant (4)**

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Dennis Sweeney (claimant) appealed a representative's May 15, 2015, decision (reference 03) that denied unemployment insurance benefits. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on June 24, 2015. The claimant did participate.

ISSUE:

The issue is whether the claimant is 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 filed for unemployment insurance benefits with an effective date of April 5, 2015. The claimant was in Florida from noon on April 15, 2015, through 11:30 a.m. on April 28, 2015. He was out of town to help his daughter move.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes the claimant is eligible to receive unemployment insurance benefits..

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.

When a person is away for a personal matter, the law states they are not available for work. The claimant was not available for work the week ending April 25, 2015. He was available for work for at least half of the work week for the week ending April 18, 2015, and the weeks after

April 25, 2015. The claimant is considered to be unavailable for work for the week ending April 25, 2015. The claimant is disqualified from receiving unemployment insurance benefits for the week ending April 25, 2015, due to his unavailability for work.

DECISION:

The representative's May 15, 2015, decision (reference 03) is modified in favor of the appellant. The claimant is disqualified from receiving unemployment insurance benefits for the week ending April 25, 2015, due to his unavailability for work.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css