

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LAURIE HYRKAS**

Claimant

**APPEAL NO: 11A-UCFE-00005-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 10/03/10  
Claimant: Appellant (4)**

Iowa Code § 96.4(3) – Ability to and Availability for Work

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's January 21, 2011 determination (reference 02) that held she was not eligible to receive benefits from October 26, 2010, through January 1, 2011, because she was out of town and unavailable for work. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge concludes the claimant is not eligible to receive benefits just for the week ending January 1, 2011.

**ISSUE:**

Was the claimant available for work from October 26, 2010, through January 2, 2011?

**FINDINGS OF FACT:**

The claimant established a claim for benefits during the week of October 3, 2010. She filed claims for the weeks ending October 30, 2010, through January 1, 2011. With the exception of the week ending January 1, 2011, the claimant was in Ames and was able to and available for work. For the holidays, the claimant left her residence on December 24 and was not available for work until January 2, 2011. The claimant filed a claim for the week ending January 1, 2011, but reported she had been out of town and did not expect to receive benefits for this week.

**REASONING AND CONCLUSIONS OF LAW:**

Each week a claimant files a claim for benefits, she must be able to and available for work. Iowa Code § 96.4(3). Since the claimant had been filing claims since October 9 and had been accurately reporting that she was able and available for work until the week ending January 1, 2011, the representative's determination that held her ineligible to receive benefits from October 26, 2010, through January 2, 2011, appears to be a clerical error. When the claimant left town for the holidays on December 24 and did not return until January 2, 2011, means she was not available to work **December** 26, 2010, through January 1, 2011. As a result of an assumed typographical error, the claimant was held ineligible to receive benefits as of October 26 instead of December 26.

Based on the evidence presented during the hearing, the claimant is eligible to receive benefits for the weeks ending October 30 through December 25, but she is not eligible for one week, December 26, 2010, through January 1, 2011.

**DECISION:**

The representative's January 21, 2011 determination (reference 02) is modified in the claimant's favor. The claimant is not eligible to receive benefits for the week of December 26, 2010, through January 1, 2011, because she was not available for work this week. She is eligible to receive benefits for the weeks ending October 30 through December 25, 2010. As of January 2, 2011, the claimant is eligible to receive benefits, provided she meets all other eligibility requirements.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs