

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SHEILA A CULBERT**  
Claimant

**APPEAL NO. 11A-EUCU-00203-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 04/04/10**  
**Claimant: Appellant (2)**

Section 96.4-3 – Able and Available for Work

**STATEMENT OF THE CASE:**

Claimant filed a timely appeal from a representative's decision dated February 18, 2011, reference 08, which held the claimant was not eligible to receive unemployment insurance benefits for the period of March 20, 2011 through March 26, 2011 because the claimant had stated she would be on vacation and not available for work. After due notice a telephone hearing was held on March 16, 2011. Claimant participated personally.

**ISSUE:**

The issue is whether the claimant was able and available for work.

**FINDINGS OF FACT:**

Having considered the evidence in the record the administrative law judge finds that Ms. Culbert opened a claim for unemployment insurance benefits with an effective date of April 4, 2010 and was issued the customary informational brochure that explains the unemployment compensation system. Ms. Culbert initially indicated to Iowa Workforce Development that she would be leaving the geographic area for a one-week period between March 20, 2011 and March 26, 2011 to visit relatives in a different state. Because of personal considerations and the claimant's desire to continue to seek work in her geographic area, Ms. Culbert chose not to leave the geographic area but remained in the Creston, Iowa area seeking employment.

**REASONING AND CONCLUSIONS OF LAW:**

The question before the administrative law judge is whether the evidence in the record is sufficient to find the claimant was able and available for work for the period of March 20, 2011 through March 26, 2011. It is.

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".

Although Ms. Culbert initially indicated to Iowa Workforce Development that she was going to be out of the geographic area during the period in question, based upon personal considerations and the claimant's desire to seek employment, Ms. Culbert remained in the Creston, Iowa and sought work by contacting perspective employers during the period from March 20, 2011 through March 26, 2011. The administrative law judge finds the claimant to be a credible witness and finds that her testimony is not inherently improbable.

Based upon the evidence in the record, the administrative law judge concludes that the claimant has met the able and available requirements of the law and is eligible to receive unemployment insurance benefits providing that she meets all other eligibility requirements.

**DECISION:**

The representative's decision dated February 18, 2011, reference 08, is reversed. Claimant is able and available for work. Claimant is potentially eligible to receive unemployment insurance benefits from March 20, 2011 through March 26, 2011, providing that she meets all other eligibility requirements of Iowa Law.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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