

**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**

**JEFFREY A PEARSON  
2355 – 11<sup>TH</sup> AVE  
MARION IA 52302**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**Appeal Number: 05A-UI-12005-CT  
OC: 10/09/05 R: 03  
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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.4(3) – Able and Available  
871 IAC 24.6(6) – Re-employment Services

STATEMENT OF THE CASE:

Jeffrey Pearson filed an appeal from a representative's decision dated November 15, 2005, reference 03, which denied benefits for the week ending November 12, 2005 on a finding that he failed to participate in re-employment services. After due notice was issued, a hearing was held by telephone on December 14, 2005. Mr. Pearson participated personally. He waived notice on the matter of his availability during the week at issue.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Pearson was mailed a notice by Workforce Development scheduling him to participate in re-employment services at 10:00 a.m. on November 9, 2005. The record does not establish when the notice was sent. Mr. Pearson did not receive the notice to report.

Mr. Pearson would not have been able to participate in re-employment services on November 9 because he had a court appearance at 9:00 that morning and left town that afternoon. He left town to attend a funeral in Colorado and did not return until November 15.

REASONING AND CONCLUSIONS OF LAW:

The first issue in this matter is whether Mr. Pearson should be disqualified from receiving job insurance benefits because of his failure to participate in re-employment services. Inasmuch as he did not receive the notice to report, he could not have complied with its instructions. Therefore, no disqualification is imposed as a result of the failure to participate in re-employment services.

The second issue in this matter is whether Mr. Pearson was eligible to receive job insurance benefits for the week ending November 12, 2005. He was occupied with personal matters on November 9 and the remainder of the week. He was out of town from November 9 until November 15. Where an individual is out of town for personal reasons for the major portion of the workweek, he is not in the local labor market and is not, therefore, available for work within the meaning of Iowa Code section 96.4(3). Inasmuch as Mr. Pearson was attending to personal business and was out of town for three of the five workdays during the week ending November 12, 2005, he is not entitled to benefits for the week.

DECISION:

The representative's decision dated November 15, 2005, reference 03, is hereby affirmed as to result. No disqualification is imposed for Mr. Pearson's failure to participate in re-employment services. He is, however, disqualified from receiving benefits for the week ending November 12, 2005 as he was not available for work within the meaning of the law.

cfc/pjs