

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ALAN RAYNER
Claimant

APPEAL NO. 11A-UI-05389-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 10/17/10
Claimant: Appellant (1-R)

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

Alan Rayner filed an appeal from a representative's decision dated April 11, 2011, reference 02, which warned that he was to make at least two in-person job contacts each week. After due notice was issued, a hearing was held by telephone on May 11, 2011. Mr. Rayner participated personally.

ISSUE:

At issue in this matter is whether Mr. Rayner satisfied the availability requirements of the law during the period from March 27 through April 9, 2011.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Rayner was on vacation the week ending April 2 and the week ending April 9, 2011. He did not look for work during either week. He did not intend to receive job insurance benefits for either week.

REASONING AND CONCLUSIONS OF LAW:

In order to receive job insurance benefits, an individual must be available for work and actively and earnestly seeking work. Iowa Code § 96.4(3). Where an individual fails to make a search for work during any week, he is ineligible for benefits for that week. 871 IAC 24.23(27). An individual is also ineligible for benefits for any week in which he fails to seek work because he is on vacation. 871 IAC 24.23(32). Mr. Rayner did not search for work during the two weeks ending April 9, 2011 because he was on vacation. Therefore, he did not satisfy the availability requirements of the law during those two weeks.

Mr. Rayner filed a claim for the two weeks at issue but has not been paid benefits on the claim. He has a hearing pending on a separation issue. In the event the hearing results in an allowance of benefits to him, he should not be paid for the two weeks at issue. Therefore, this

matter shall be remanded to Claims to set up the weeks ending April 2 and April 9, 2011 as "dummy" weeks.

DECISION:

The representative's decision dated April 11, 2011, reference 02, is hereby affirmed. Mr. Rayner is warned that he must make at least two in-person contacts each week. He is disqualified from receiving benefits for the two weeks ending April 9, 2011 as he was not available for work within the meaning of the law.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs