

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**JA'LON J JACKSON**  
Claimant

**APPEAL 17A-UI-07026-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 04/30/17  
Claimant: Appellant (5)**

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Iowa Code § 96.4(3) – Ability to and Availability for Work  
Iowa Admin. Code r. 871-24.22(2) – Able & Available - Benefits Eligibility Conditions

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the July 7, 2017, (reference 02), unemployment insurance decision that denied benefits for the week ending June 17, 2017, based upon claimant's unavailability for work. After due notice was issued, a telephone conference hearing was scheduled to be held on July 27, 2017. Claimant participated.

**ISSUE:**

Is the claimant able to work and available for work?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: When the claimant made his continued weekly claim for the week ending June 17, 2017, he reported he was not able to or available for work that week. In fact, claimant was able to and available for work that week. Claimant made the report because he was going out of town for a family reunion the next week, the week ending June 24, 2017. Claimant was in Mississippi for the family reunion from Wednesday, June 21 through Sunday, June 25, 2017. Claimant made a continued weekly claim for the week ending June 24, 2017, and reported he was available for work that week.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant is able to and available for work for the week ending June 17, 2017, but is not able to work and available for work for the week ending July 24, 2017.

Iowa Code section 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".

Claimant was able to and available for work during the week ending June 17, 2017. He meets the eligibility requirements to receive benefits during that week.

However, claimant was not available for work during the one week ending June 24, 2017.

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.

Claimant was out of town for personal reasons from Wednesday through Sunday, which is the majority of the work week; therefore he does not meet the eligibility requirements to receive benefits for that week.

**DECISION:**

The July 7, 2017, (reference 02) unemployment insurance decision is modified with no change in effect. The claimant is able to and available for work during the one week ending June 17, 2017. The claimant is not able to work and available for work during the one week ending June 24, 2017. Benefits are denied during that week.

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Decision Dated and Mailed

cal/scn