

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RICKIE PERKINS

Claimant

APPEAL NO. 11A-UI-07420-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 06/06/11

Claimant: Appellant (2)

Section 96.4-3 – Eligibility for Benefits

STATEMENT OF THE CASE:

Rickie Perkins filed a timely appeal from an unemployment insurance decision dated May 27, 2011, reference 02, that held him ineligible to receive unemployment insurance benefits for the week ending May 28, 2011. With the claimant's consent, a hearing was held on June 20, 2011. Mr. Perkins participated on his own behalf.

ISSUE:

Is the claimant eligible for unemployment insurance benefits for the week ending May 28, 2011?

FINDINGS OF FACT:

Rickie Perkins traveled to Tennessee for his sister's funeral. He left Iowa on May 20, 2011 and return early in the morning of May 24, 2011. He immediately resumed his work search.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Mr. Perkins is eligible for unemployment insurance benefits for the week ending May 28, 2011. He is.

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".

Mr. Perkins' testimony persuades the administrative law judge that he was available for work for the major portion of the workweek that ended on May 28, 2011. Benefits are allowed.

DECISION:

The unemployment insurance decision dated May 27, 2011, reference 02, is reversed. The claimant is eligible to receive unemployment insurance benefits for the week ending May 28, 2011.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

css/css