

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JESSICA M BENNIE
Claimant

HEARTLAND EMPLOYMENT SERVICES
Employer

APPEAL 21A-UI-01115-AD-T
ADMINISTRATIVE LAW JUDGE
DECISION

OC: 07/12/20
Claimant: Appellant (1)

Iowa Code § 96.4(3) – Eligibility – A&A – Able to, available for, work search

STATEMENT OF THE CASE:

On November 18, 2020, Jessica Bennie (claimant/appellant) filed an appeal from the November 10, 2020 (reference 04) unemployment insurance decision that denied benefits from September 6 through September 19, 2020 based on a finding claimant was not available for work during that time.

A telephone hearing was held on February 15, 2021. The parties were properly notified of the hearing. The claimant participated personally. Heartland Employment Services LLC (employer/respondent) did not register a number for the hearing and so did not participate.

Official notice was taken of the administrative record.

ISSUE:

Is the claimant available for work?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant was out of town and therefore unavailable for work from September 6 through 19, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the November 10, 2020 (reference 04) unemployment insurance decision that denied benefits from September 6 through September 19, 2020 based on a finding claimant was not available for work during that time is **AFFIRMED**.

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 out of town and therefore unavailable for work from September 6 through 19, 2020. Because claimant was unavailable for work during that time she is not eligible for benefits during that time.

DECISION:

The November 10, 2020 (reference 04) unemployment insurance decision that denied benefits from September 6 through September 19, 2020 based on a finding claimant was not available for work during that time is AFFIRMED.



Andrew B. Duffelmeyer
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 478-3528

February 26, 2021
Decision Dated and Mailed

abd/scn

Note to Claimant:

If you disagree with this decision, you may file an appeal with the Employment Appeal Board by following the instructions on the first page of this decision. If this decision denies benefits, you may be responsible for paying back benefits already received.

Individuals who are disqualified from or are otherwise ineligible for **regular** unemployment insurance benefits but who are unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.