

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI	
<b>STACEY M WELCH</b> Claimant  <b>IOWA WORKFORCE DEVELOPMENT DEPARTMENT</b>	<b>APPEAL NO: 09A-UI-11334-S2T</b>  <b>ADMINISTRATIVE LAW JUDGE DECISION</b>   <b>OC: 07/26/09</b> <b>Claimant: Appellant (1)</b>

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Stacey Welch (claimant) appealed a representative's August 4, 2009 decision (reference 02) that concluded she was not eligible to receive unemployment insurance benefits because she was not available for work from August 2 through 8, 2008. After hearing notices were mailed to the claimant's last-known addresses of record, a telephone hearing was scheduled for August 25, 2009. The claimant participated personally.

**ISSUE:**

The issue is whether the claimant was able and available for work from August 2 through 8, 2009.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant file for unemployment insurance benefits with an effective date of July 26, 2009. The claimant was out of state for personal reasons from August 2 through 5, 2009.

There was a scrivener's error in the decision. The year should have been 2009.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes the claimant was not available for work for the week ending August 8, 2009.

871 IAC 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.

When an employee is out of town for personal reasons for the major portion of the workweek and is not in the labor market, she is considered to be unavailable for work. The claimant was out of town for personal reasons for the major portion of the workweek from August 2 through 8, 2009. She is considered to be unavailable for work for that period. The claimant is disqualified from receiving unemployment insurance benefits from August 2 through 8, 2009, due to her unavailability for work.

**DECISION:**

The representative's August 4, 2009 decision (reference 02) is affirmed. The claimant is disqualified from receiving unemployment insurance benefits from August 2 through 8, 2009, because she was out of town and not available for work.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/pjs