

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOHNNY B DANTZLER
Claimant

APPEAL NO: 08O-UI-01241-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/04/07 R: 02
Claimant: Appellant (1)**

Section 96.4-3 – Ability to and Availability for Work

STATEMENT OF THE CASE:

Johnny B. Dantzler (claimant) appealed a representative's December 11, 2007 decision (reference 04) that concluded the claimant was not eligible to receive benefits for the week ending December 1, 2007, because he was out of town a majority of that week. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on January 3, 2008. An administrative law judge called the claimant for the hearing, but he was not available. As a result, the administrative law judge made a decision based on information in the administrative record and affirmed the decision on January 3, 2008.

The claimant appealed the administrative law judge's January 3, 2008 decision to the Employment Appeal Board. The Employment Appeal Board remanded this matter to the Appeals Section for a new hearing. After a hearing notice was again mailed to the claimant's last-known address of record, a telephone hearing was held on February 19, 2008. The claimant did not respond to the hearing notice that had been mailed on February 7, 2008. Based on the administrative record and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is the claimant eligible to receive benefits for the week ending December 1, 2007?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of November 4, 2007. The claimant filed a claim for benefits for the week ending December 1, 2007.

During the week November 25 through December 1, 2007, the claimant was in Fort Dodge to be with his daughter. The claimant's daughter was in the hospital for surgery.

REASONING AND CONCLUSIONS OF LAW:

Each week a claimant files a claim for benefits, he must be able to and available for work. Iowa Code section 96.4-3. The law presumes a claimant is not available for work when he is visiting in another area and is not in the labor market. 871 IAC 24.23(13).

The record indicates the claimant was with his daughter who was hospitalized at a Fort Dodge hospital the week of November 25 through December 1, 2007. It is understandable why the claimant was with his daughter this week. For unemployment insurance purposes, the claimant was not available for work and is not eligible to receive benefits for this one week.

DECISION:

The representative's December 11, 2007 decision (reference 04) is affirmed. The claimant was not available for work from November 25 through December 1, 2007. Therefore, he is not eligible to receive benefits for the week ending December 1, 2007.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs