

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AMBER R HESTER
Claimant

APPEAL NO: 15A-UI-12337-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

RGIS LLC
Employer

OC: 11/02/14
Claimant: Appellant (4/R)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Amber Hester (claimant) appealed a representative's November 2, 2015, decision (reference 05) that concluded she was not eligible to receive unemployment insurance benefits because she was unable to work with RGIS (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for November 24, 2015. The claimant participated personally. The employer did not provide a telephone number where it could be reached and therefore, did not participate in the hearing.

ISSUE:

The issue is whether the claimant is able and available for work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant worked for the employer from March 30, 2014, to October 16, 2015, as a part-time inventory specialist. In 2013, the claimant suffered a medical event and sought treatment. In October 2015, she was experiencing some pain associated with her medical situation and missed work while seeking treatment for the pain.

For the week ending October 10, 2015, the claimant was scheduled for one day. She was absent that day due to medical issues. For the week ending October 17, 2015, the claimant was scheduled for two days and worked both days. For the week ending October 24, 2015, the claimant was scheduled for one day but had a doctor's appointment on that day. For the week ending October 31, 2015, the claimant was scheduled for two days. She could not work because she was out of town caring for her sister who had surgery. For the week ending November 7, 2015, the claimant was scheduled for one day. She could not work because she was still caring for her sister. The employer did not schedule the claimant after November 7, 2015. The claimant was not sick, did not have doctor appointments, and did not have to care for her sister for the two-week period ending November 21, 2015.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes the claimant is not eligible to receive unemployment insurance benefits for the two-week period ending November 7, 2015.

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.

When an employee is out of town for personal reasons, she is considered to be unavailable for work. The claimant took time away from work to care for her sister. She is considered to be unavailable for work from October 25 to November 7, 2015. The claimant is disqualified from receiving unemployment insurance benefits for that period due to her unavailability for work.

The issue of whether the claimant is separated from employment is remanded for determination.

DECISION:

The representative's November 2, 2015, decision (reference 05) is modified in favor of the appellant. The claimant is disqualified from receiving unemployment insurance benefits for the two week period ending November 7, 2015, because she is not available to work with the employer. The issue of whether the claimant is separated from employment is remanded for determination.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs