

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JOAN M WILLER**  
Claimant

**APPEAL NO. 08A-UI-08162-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 01/27/08 R: 02**  
**Claimant: Appellant (1)**

Section 96.4-3 – Able and Available for Work

**STATEMENT OF THE CASE:**

Joan Willer filed an appeal from a representative's decision dated September 9, 2008, reference 02, that denied benefits from July 6, 2008 through July 12, 2008 finding that the claimant was out of town for the majority of the week and did not meet availability requirements of the law. After due notice was issued, a hearing was held by telephone on September 29, 2008. Ms. Willer participated personally.

**ISSUE:**

The issue in this matter is whether the claimant was able and available for work from July 6, 2008 through July 12, 2008.

**FINDINGS OF FACT:**

The administrative law judge having heard the testimony and considered all of the evidence in the record, finds: The claimant opened a claim for unemployment insurance benefits on January 27, 2008 and was issued the customary instructional pamphlet which explains the unemployment compensation system and its requirements. During the week ending July 12, 2008 Ms. Willer claimed unemployment insurance benefits. During that week the claimant contacted one perspective employer before leaving town to attend a vendors' gift show in Atlanta, Georgia on Wednesday, July 9, 2008. The claimant remained at the gift show for the remainder of the week. While at the vendors' gift show where the claimant gathered information on products in anticipation of starting her own business, it appears that the claimant also contacted a vendor in hopes of securing employment as a representative in the Midwest. If contacted by a perspective employer by cell telephone the claimant would have had to make arrangements to return to Des Moines, Iowa if employment was offered immediately.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant was not available for work during the period in question.

The evidence in the record establishes that the claimant was out of town while in the process of making preparations to be out of town during the majority of the workweek ending July 12, 2008. Although the claimant may have visited with one or more perspective employers at a gift show in Atlanta, Georgia, the evidence in the record indicates that the claimant spent a substantial or majority of her time in preparation for opening her own gift shop in self-employment. The administrative law judge thus concludes based upon the evidence in the record that the claimant was not available for work during the majority of the week ending July 12, 2008 although she claimed unemployment insurance benefits that week.

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.

For the reasons stated herein the administrative law judge concludes based upon the totality of the evidence in the record that the claimant was not available for work the majority of the week ending July 12, 2008 and is ineligible to receive unemployment insurance benefits for that week.

**DECISION:**

The September 9, 2008, reference 02, decision is affirmed. The claimant is not eligible to receive unemployment insurance benefits from July 6 through July 12, 2008 because the claimant did not meet the availability requirements of the law.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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