

**IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI**

**EDRIS GEHY  
PO BOX 9316  
CEDAR RAPIDS IA 52409**

**CFA INC  
1902 BROADWAY ST  
IOWA CITY IA 52240 7001**

**Appeal Number: 05A-UI-07923-DWT  
OC: 06/26/05 R: 03  
Claimant: Appellant (2)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the ***Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319.***

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

**STATE CLEARLY**

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

---

(Administrative Law Judge)

---

(Decision Dated & Mailed)

**Section 96.4-3 – Ability to and Availability for Work**

**STATEMENT OF THE CASE:**

Edris Gehy (claimant) appealed a representative's July 28, 2005 decision (reference 03) that concluded he was not eligible to receive benefits for the week ending July 9, 2005, because he was not able to or available for work. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 22, 2005. The claimant participated in the hearing. CFA, Inc. (employer) did not respond to the hearing notice by contacting the Appeals Section prior to the hearing and providing the phone number at which the employer's representative/witness could be contacted to participate at the hearing. As a result, no one represented the employer. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Was the claimant able to and available for work during the week ending July 9, 2005?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of June 26, 2005. Prior to the week of July 3, the claimant planned to go to the East Coast to visit relatives. The claimant changed his plans and did not go out-of-state the week of July 3, 2005. The claimant looked for work during this week and was available to work if an employer had called and asked him to report to work this week.

REASONING AND CONCLUSIONS OF LAW:

Each week a claimant files a claim for benefits, he was must able to and available for work. Iowa Code §96.4-3. The claimant established he was able to and available for work for the week ending July 9, 2005. Therefore, the claimant is eligible to receive benefits for this week.

DECISION:

The representative's July 28, 2005 decision (reference 03) is reversed. The claimant is eligible to receive benefits for the week ending July 9, 2005, because he was able to and available for work.

dlw/tjc