

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

VIRGINIA L MANNING
Claimant

APPEAL NO: 12A-UI-14066-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 01/29/12
Claimant: Appellant (2)**

Iowa Code § 96.4(3) – Able to and Available for Work

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's November 16, 2012 determination (reference 02) that denied her benefits as of November 11, 2012, because she visited another area and was not considered available for work. The claimant participated in the hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge finds the claimant eligible to receive benefits for the week ending November 17, 2012.

ISSUE:

Was the claimant able to and available for work the week ending November 17, 2012?

FINDINGS OF FACT:

The claimant established a claim during the week of January 29, 2012. The claimant flew to Colorado on November 13 and came back to her home in Iowa on November 15. The claimant looked for work in Iowa during the week ending November 17. She filed a claim for benefits for the week ending November 17, 2012.

REASONING AND CONCLUSIONS OF LAW:

Each week a claimant files a claim for benefits, she must be able to and available for work. Iowa Code § 96.4(3). The law presumes that if a claimant is out of town a major portion of the workweek for personal reasons, she is not available for work and would be ineligible to receive benefits. 871 IAC 24.23(25). The evidence establishes the claimant was out of town only three days, not a major portion of the workweek for the week ending November 17. The claimant established she was available for work and is eligible to receive benefits for the week ending November 17, 2012.

DECISION:

The representative's November 16, 2012 determination (reference 02) is reversed. Even though the claimant was out of town the week ending November 17, she was not out of town the

majority of the workweek. Therefore, she was available for work and is eligible to receive benefits for the week ending November 17, 2012.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css