

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DAVID L EDWARDS
Claimant

HOLT SALES AND SERVICE INC
Employer

APPEAL 21A-UI-16067-ED-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/04/21
Claimant: Appellant (1R)

Iowa Code § 96.4(3) – Able and Available

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the July 15, 2021 (reference 02) unemployment insurance decision that found claimant was not eligible for unemployment benefits. The parties were properly notified of the hearing. A telephone hearing was held on September 9, 2021. The claimant participated personally. The employer did not participate. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records.

ISSUE:

Was the claimant able to work and available for work?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant was employed full time as a sales consultant beginning May 15, 2015 with Ex-Guard (Holt Sales & Services Inc.). Claimant is no longer employed with this company. Beginning June 25, 2021, claimant suffered a medical condition that required out of state hospitalization and treatment.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes as follows:

Iowa Code § 96.4(3) provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19,

subsection 38, paragraph "b", subparagraph (1), or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3, are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

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.

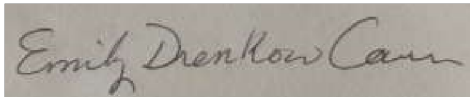
Beginning June 25, 2021, claimant was receiving medical treatment out of state and was not in the labor market. As such, benefits are denied as of July 11, 2021.

DECISION:

The July 15, 2021 (reference 02) decision is affirmed. Claimant is not eligible for benefits effective July 11, 2021 because he was not available for work. Benefits are denied as of July 11, 2021.

REMAND:

The issue of the reason for the separation from employment is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.



Emily Drenkow Carr
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

September 16, 2021
Decision Dated and Mailed

edc/kmj