

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**DANA L UTT**  
Claimant

**APPEAL 19A-UI-10205-AW-T**  
**ADMINISTRATIVE LAW JUDGE**  
**DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 10/06/19**  
**Claimant: Appellant (1)**

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Iowa Code § 96.4(3) – Eligibility – A&A – Able to, available for, work search  
Iowa Admin. Code r. 871-24.23(25) – Eligibility – A&A – Out of town, personal

**STATEMENT OF THE CASE:**

Claimant filed an appeal from the December 12, 2019 (reference 06) unemployment insurance decision that found claimant was not able to and available for work from November 24, 2019 through November 30, 2019 because he was out of town. Claimant was properly notified of the hearing. A telephone hearing was held on January 21, 2020, at 11:15 a.m. Claimant participated. Claimant's Exhibit A was admitted. Official notice was taken of the administrative record.

**ISSUE:**

Whether claimant is able to and available for work.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed an original claim for benefits effective October 6, 2019 and an ongoing weekly claim for the benefit week ending November 30, 2019. Claimant was unable to work from Tuesday, November 26, 2019 through Friday, November 29, 2019 because he was out of town. (Claimant Testimony)

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant was not able to and available for work.

Iowa Code section 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", unnumbered paragraph (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.

Claimant was not able to and available for work from November 26, 2019 through November 29, 2019. Accordingly, claimant is not eligible for unemployment insurance benefits for the benefit week ending November 30, 2019.

**DECISION:**

The December 12, 2019 (reference 06) unemployment insurance decision is affirmed. Claimant was not able to and available for work for the benefit week ending November 30, 2019. Benefits are denied for the benefit week ending November 30, 2019, but are allowed thereafter, provided claimant is otherwise eligible.

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Decision Dated and Mailed

acw/scn