

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

MELANIE J COOLEY
1325 VANDERBURG CR
SARGENT BLUFF IA 51054

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 05A-UI-03273-DWT
OC: 02/27/05 R: 01
Claimant: Appellant (4)

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, 4th 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 - Able to and Available for Work

STATEMENT OF THE CASE:

Melanie J. Cooley (claimant) appealed a representative's March 24, 2005 decision (reference 03) that concluded she was not eligible to receive unemployment insurance benefits from March 6 through June 12, 2005 because she was not able to work. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on April 14, 2005. The claimant participated in the hearing. 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:

When is the claimant able to and available for work?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of February 27, 2005. Before the claimant became unemployed, she had purchased airplane tickets to travel out-of-state. The airplane tickets were not refundable and the claimant went out of state on March 8. The claimant returned to Iowa on March 15, 2005.

The claimant filed a claim for the week ending March 12, 2005. The Department did not pay her any benefits for this week.

REASONING AND CONCLUSIONS OF LAW:

Each week a claimant files a claim for unemployment insurance benefits, she must be able to and available for work. Iowa Code § 96.4-3. The claimant was not available to work from March 8 to 15, 2005. The claimant was not available to work a majority of the week ending March 12, 2005. Therefore, she is not eligible to receive benefits for the week ending March 12, 2005.

Although the representative's March 24, 2005 decision indicated the claimant was not eligible from March 6 to June 12, 2005, the facts establish the claimant was only unavailable to work the week ending March 12, 2005. It appears the representative made an inadvertent error and intended to hold the claimant ineligible for one week instead of several or through June 12, 2005. (Also, June 12, 2005 is a Sunday, not a Saturday).

DECISION:

The representative's March 24, 2005 decision (reference 03) is modified in the claimant's favor. The claimant was not available to work only for one week, the week ending March 12, 2005. As of March 13, 2005, the claimant was eligible to receive benefits because she was available to work the majority of this week.

dlw/sc