

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

CYNTHIA R MUELLER
614 – 11TH ST
DE WITT IA 52742

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 04A-UI-10708-CT
OC: 08/15/04 R: 04
Claimant: Appellant (1)

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 and Available

STATEMENT OF THE CASE:

Cynthia Mueller filed an appeal from a representative's decision dated September 21, 2004, reference 06, which held she was ineligible to receive job insurance benefits for the one week ending August 21, 2004 because she was not available for work. Due notice was issued scheduling the matter for a telephone hearing to be held on October 26, 2004. Based on information provided by Mrs. Mueller prior to the hearing, a hearing was deemed unnecessary.

FINDINGS OF FACT:

Having reviewed all the evidence in the record, the administrative law judge finds: Mrs. Mueller was at the Mayo Clinic in Rochester, Minnesota, during the week of August 25 through 21,

2004. She was there to assist her husband who was receiving medical treatment. Mrs. Mueller was not in the area where she lives during the week and, therefore, did not conduct a work search during the week at issue. She reported vacation pay and wages for the week in the amount of \$300.00. She is eligible to receive \$90.00 per week in job insurance benefits.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mrs. Mueller was eligible to receive job insurance benefits for the week ending August 21, 2004. In order to receive benefits, an individual must be available for work and must actively and earnestly look for work. Iowa Code section 96.4(3). Because she was out of town during the week, Mrs. Mueller was not able to conduct a work search and was not available for work. As such, she was not eligible to receive benefits for the week. Moreover, she would not be eligible for benefits for the week ending August 21 because her earnings for the week exceeded the amount of her job insurance benefits for the week.

DECISION:

The representative's decision dated September 21, 2004, reference 06, is hereby affirmed. Mrs. Mueller was not eligible to receive job insurance benefits for the week ending August 21, 2004 as she was not available for work and did not conduct a work search. Benefits are allowed thereafter, provided she satisfies all other conditions of eligibility.

cfc/tjc