

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GLEN L HANSEN

Claimant

APPEAL NO. 13A-UI-04477-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

JA HU TRANSPORTATION

Employer

OC: 04/15/13

Claimant: Appellant (1)

Section 96.4-3 – Able and Available
871 IAC 24.23(16) – Limited Work Hours

STATEMENT OF THE CASE:

The claimant appealed from a representative's decision dated April 5, 2013, reference 07, that held he was not eligible for benefits March 10, 2013, because he does not meet the availability requirements of the law. A hearing was held on May 21, 2013. The claimant participated. Robert Zimmerly, President, participated for the employer. Employer Exhibit One was received as evidence.

ISSUE:

The issue is whether claimant is able and available to work.

FINDINGS OF FACT:

The administrative law judge having heard the witness testimony and having considered the evidence in the record finds that: The claimant began employment as a part-time semi driver on January 15, 2013. He understood at the time of hire he needed to cross train on the employer end dump trailers so he could haul them in addition to the one-lane trailers.

Claimant failed to work with employer drivers on cross training for the end dump trailers on January 21. This refusal led to limited work availability for trailer hauling. The employer tried twice more to pursue the training and when he refused the employer issued a written warning that he signed on March 25. Claimant last worked for the employer on April 12 when he quit for other employment.

REASONING AND CONCLUSIONS OF LAW:

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".

871 IAC 24.23(16) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(16) Where availability for work is unduly limited because a claimant is not willing to work during the hours in which suitable work for the claimant is available.

The administrative law judge concludes claimant is not eligible for benefits effective March 10, 2013 because he does not meet the availability requirements of the law. Claimant limited his work for the employer by refusing cross training to haul end dump trailers that he knew was a requirement at his time of hire.

DECISION:

The decision of the representative dated April 5, 2013, reference 07, is affirmed. The claimant is not eligible for benefits effective March 10, 2013 because he does not meet the work availability requirements of the law.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs