

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**PAUL A HOOPMAN**  
Claimant

**APPEAL NO: 09A-UI-18167-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**EXECUTIVE HOME CARE INC**  
Employer

**OC: 10/18/09**  
**Claimant: Appellant (1)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Paul Hoopman (claimant) appealed a representative's November 30, 2009 decision (reference 02) that concluded he was not eligible to receive unemployment insurance benefits because he was not willing to work the hours offered with Executive Home Care (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for January 12, 2010. The claimant participated personally. The employer participated by Rex Glasgow, Janitorial Manager.

**ISSUE:**

The issue is whether the claimant is able and available for work.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant worked for the employer from March 30, to the end of June 2009, and from the end of July 2009, until the present. During his employment the claimant worked as a janitor assigned to Heinz. The claimant stopped working at Heinz at the end of October 2009. The employer placed the claimant at another location working 3 hours per night. The employer attempted to give the claimant more hours but he refused to work at multiple locations in the town the claimant resides, Cedar Rapids, Iowa.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes the claimant is not able and available for work.

871 IAC 24.23(18) provides:

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

(18) Where the claimant's availability for work is unduly limited because such claimant is willing to work only in a specific area although suitable work is available in other areas where the claimant is expected to be available for work.

When an employee limits his area of work even though work is available in the area, he is considered to be unavailable for work. Work was available in Cedar Rapids, Iowa, where the claimant lives. The claimant would not accept work there. He is considered to be unavailable for work. The claimant is disqualified from receiving unemployment insurance benefits due to his unavailability for work.

**DECISION:**

The representative's November 30, 2009 decision (reference 02) is affirmed. The claimant is disqualified from receiving unemployment insurance benefits because he is not available for work with the employer.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/pjs