

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**SAMANTHA R RALLS**  
Claimant

**APPEAL 16A-UI-12367-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SHRI-PANDURANG MOTEL INC**  
Employer

**OC: 10/16/16  
Claimant: Respondent (2)**

---

Iowa Code § 96.4(3) – Ability to and Availability for Work  
Iowa Admin. Code r. 871-24.22(2) – Able & Available - Benefits Eligibility Conditions

**STATEMENT OF THE CASE:**

The employer filed an appeal from the November 7, 2016, (reference 02) unemployment insurance decision that allowed benefits based on claimant's availability for work. The parties were properly notified about the hearing. A telephone hearing was held on December 6, 2016. Claimant did not participate. Employer participated through manager Gary Phillips, manager Katherine Pitt, and front desk clerk Debra George.

**ISSUES:**

Is the claimant able to work and available for work effective October 16, 2016?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on September 16, 2012. Claimant last worked as a front desk clerk. Claimant was separated from employment on October 17, 2016, when she voluntarily resigned.

On October 17, 2016, claimant informed employer she could not work alone due to a diagnosed medical condition. Working alone is an essential function of the job as a front desk clerk. Employer offered claimant a position as a housekeeper, which does not require working alone. Claimant declined the position because the hours of a housekeeper are based on occupancy whereas the hours of a front desk clerk are guaranteed. Employer then stated it would have to end the employment relationship. Continued work was available for claimant as a housekeeper. During this conversation, claimant also informed manager Katherine Pitt that she planned to collect unemployment benefits for six months before applying for disability benefits.

**REASONING AND CONCLUSIONS OF LAW:**

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

Iowa Code § 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".

In this case, claimant indicated to employer she is not searching for work as she anticipates collecting unemployment benefits and then filing a claim for disability benefits due to a medical condition. Claimant has not established she is earnestly and actively seeking work.

Thus, benefits must be denied effective October 16, 2016.

**DECISION:**

The November 7, 2016, (reference 02) unemployment insurance decision is reversed. The claimant is not able to work and available for work effective October 16, 2016. Benefits are denied. Benefits must be denied until claimant makes herself available for and actively and earnestly seeks work.

---

Christine A. Louis  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515)478-3528

---

Decision Dated and Mailed

cal/