

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

BRYAN J BEEMER
Claimant

APPEAL NO. 14A-UI-08283-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 03/02/14
Claimant: Appellant (2)**

Section 96.4-3 – Able to and Available for Work

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated August 4, 2014, reference 04, that concluded he was not able to and available for work effective June 5, 2014. A telephone hearing was held on September 3, 2014. The claimant participated in the hearing. Exhibit A-1 was admitted into evidence at the hearing.

ISSUE:

Was the claimant able to and available for work?

FINDINGS OF FACT:

The claimant filed for unemployment insurance benefits effective March 2, 2014, after being laid off from GITS Manufacturing. He initially was subject to recall and was not required to look for work, but when the plant closed he was required to contact two employers each week, which he did.

The claimant had applied for a job opening at Mid-American Manufacturing. On June 9, 2014 he received a call from someone with Mid-American Manufacturing about a job interview. The claimant wanted to be honest with the person so he told her that he planned on attending school in the fall. When the person asked him why he had applied for the job, he explained that he was receiving unemployment insurance benefits and he was required to contact employers. The person replied, thanked the claimant, and hung up the phone before the claimant could say anything further. Mid-American Manufacturing reported that the claimant had declined an interview to the claims section.

The claimant had applied to attend Southwest Community College for the fall 2014. He was not accepted by the college until the end of July 2014. He continued to contact two employers each week, and if he had been offered suitable work he would have accepted it and went to school part time—up until when he started school on August 27.

The claimant started attending school on August 27, 2014 and has been approved for department approved training, which allows a person to receive benefits while attending school. Claimants in approved training are not required to look for work and are not subject to refusal disqualification while they are attending school.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is able to work, available for work, and earnestly and actively seeking work as required by the unemployment insurance law in Iowa Code § 96.4-3.

The unemployment rules state that: An individual shall be deemed to have failed to make an effort to secure work if the individual has followed a course of action designed to discourage prospective employers from hiring such individual in suitable work. 871 IAC 24.23(37).

I conclude that the claimant's comments to the person from Mid-American Manufacturing who called him were not part of a course of action designed to discourage employers from hiring the claimant. I believe the claimant's testimony that he was trying to be honest with Mid-American Manufacturing about his plans rather than trying to avoid being offered a job.

The claimant was available for work and actively seeking work effective June 15, 2014 and afterward.

DECISION:

The unemployment insurance decision dated August 4, 2014, reference 04, is reversed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/can