

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BONNIE K HANSEN
Claimant

APPEAL 21A-UI-05314-S1-T
ADMINISTRATIVE LAW JUDGE
DECISION

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 10/18/20
Claimant: Appellant (4)

Iowa Code § 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Bonnie Hansen (claimant) appealed a representative's February 3, 2021, decision (reference 02) that denied unemployment insurance benefits due to being unavailable for work. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was scheduled to be held on April 22, 2021. The claimant participated personally. The administrative law judge took official notice of the administrative file.

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: On January 14, 2021, the claimant completed an Unemployment Eligibility Review Questionnaire. She was asked if she would accept employment of 33 or more hours per week if offered? She circled "No". She was asked to explain. The claimant said "Age – Care of disabled Spouse".

The claimant testified at the hearing that age did not prevent her from working thirty-three or more hours. She did not care for her spouse unless he needed a driver. The claimant preferred to work part-time hours. She said she would accept full-time hours in the future.

REASONING AND CONCLUSIONS OF LAW:

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

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 96.1A, subsection 37, paragraph "b", subparagraph (1), or temporarily unemployed as defined in section 96.1A, subsection 37, 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".

Iowa Admin. Code r. 871-24.23(16) provides:

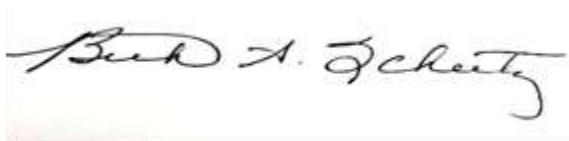
Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(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.

A worker is considered to be unavailable for work when an employee limits working hours for a particular reason. In this case, the claimant limited working hours. The reasons given on the form were not valid. The claimant could but preferred not to work full-time. Limiting working hours made the claimant unavailable for work from January 17, 2021, to April 17, 2020.

DECISION:

The representative's February 3, 2021, decision (reference 02) is modified in favor of the appellant. The claimant was unavailable for work from January 17, 2021, to April 17, 2020.



Beth A. Scheetz
Administrative Law Judge

April 26, 2021
Decision Dated and Mailed

bas/ol