

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

---

**SHAVONNE DOUMASSY**  
Claimant

**APPEAL 15A-UI-11723-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**REM IOWA COMMUNITY SERVICES INC**  
Employer

**OC: 09/13/15  
Claimant: Appellant (1)**

---

Iowa Code § 96.4(3) – Able and Available

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the October 14, 2015, (reference 03) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on November 4, 2015. Claimant participated. Employer participated through Kelly Flanagan, Regional Director.

**ISSUE:**

Is the claimant able to and available for work?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was working full time as a program coordinator until August 24, 2015. She chose to step down at that time from a full – time position to an as-needed or on-call position because she could not get along with her supervisor. She also did not believe she could continue to meet the employer’s needs in that position. The employer never forced her to step down or threatened her that she would be discharged if she did not step down. The employer never even requested that the claimant step down from her full-time position. The claimant could have continued to work full time if she had so chosen to do so. She simply chose not to continue working full time in her position but instead chose to go to on call or as needed. She knew that there was no guarantee of any specific number of work hours in an on-call or as-needed position.

The claimant filed a claim for unemployment insurance benefits with an effective date of September 13, 2015. She filed for unemployment insurance benefits because she had chosen to go from a full-time position to an on-call or as-needed position.

The claimant continued to receive unemployment insurance benefits from the week ending September 19 through October 10. During the week ending October 3 and October 10, the claimant indicated when she made her weekly claim for benefits, that she was not able to and available for work. Because she indicated two weeks in a row that she was not able to and available for work, the agency sent her a request for additional information. The claimant provided some of the information found in claimant’s Exhibit A that was received on October 19, 2015 by the UISC. She indicated she was not able to work because of a car accident she had

on or about September 21, 2015. As a result of that information a representative decision was issued on October 23, 2015 (reference 06) denying benefits. The claimant did not appeal that fact-finding decision (reference 06). The claimant has another fact-finding interview scheduled for November 6, 2015.

**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 § 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as defined in § 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 § 96.5, subsection 3 are waived if the individual is not disqualified for benefits under § 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.

The claimant chose to go from a full time to an as-needed or on-call position effective August 24, 2015. She was not required nor even asked to do so by the employer. Under these circumstances the claimant is not considered able to and available for work effective September 13, 2015, when she filed her claim for unemployment insurance benefits. Accordingly benefits must be denied.

**DECISION:**

The October 14, 2015, (reference 03) decision is affirmed. The claimant is not able to work and available for work effective September 13, 2015. Benefits are denied.

---

Teresa K. Hillary  
Administrative Law Judge

---

Decision Dated and Mailed

tkh/css