

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JORDAN A JUDSTRA**  
Claimant

**APPEAL NO. 14A-UI-08236-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**STREAM INTERNATIONAL INC**  
Employer

**OC: 07/06/14**  
**Claimant: Respondent (2)**

Section 96.5-3-a – Refusal to Accept Suitable Work  
Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Stream International (employer) appealed a representative's July 31, 2014, decision (reference 02) that concluded Jordan Judstra (claimant) eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for August 29, 2014. The claimant did not provide a telephone number for the hearing and, therefore, did not participate. The employer participated by Staci Albert, Human Resources Manager; Kodi Benson, Senior Team Manager of Visa; and Judy Easton, Senior Recruiter.

**ISSUE:**

The issue is whether the claimant refused suitable work and 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 was hired on June 10, 2013, as a full-time customer support professional. The claimant had been working on one customer account, Microsoft Marketplace. On May 21, 2014, the employer notified the claimant that the line was moving overseas. At that time the employer offered the claimant similar work for the claimant to perform on two other accounts, Microsoft Xbox and Visa. The claimant would earn the same wages for comparable work and, after two weeks of training, would involve the same hours. The claimant worked through July 7, 2014, and was paid through July 20, 2014. On July 14, 2014, the claimant told the employer she was resigning effective July 20, 2014, because she had another job. Continued work was available had the claimant not resigned.

**REASONING AND CONCLUSIONS OF LAW:**

Before a claimant can be disqualified from receiving unemployment insurance benefits for refusing an offer of suitable work, the claimant must be able and available for work. 871 IAC 24.24(4). The claimant was not able and available for work.

Iowa Admin. Code r. 871-24.23(23) provides:

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

(23) The claimant's availability for other work is unduly limited because such claimant is working to such a degree that removes the claimant from the labor market.

The claimant refused to return to work with the employer because she had found other work. The claimant could not work for the employer because she was working to such an extent as to remove her from the workforce. The claimant is disqualified from receiving unemployment insurance benefits because she was not available for work.

**DECISION:**

The representative's July 31, 2014, decision (reference 02) is reversed. The claimant is disqualified from receiving unemployment insurance benefits because she was not available for work.

---

Beth A. Scheetz  
Administrative Law Judge

---

Decision Dated and Mailed

bas/css