

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BONNIE K DELANEY**  
Claimant

**APPEAL NO. 08A-UI-01864-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WS LIVE  
ADVANCED DATA COMM**  
Employer

**OC: 01/20/08 R: 04  
Claimant: Appellant (1)**

Section 96.5-3-a – Refusal to Accept Suitable Work

**STATEMENT OF THE CASE:**

Bonnie Delaney (claimant) appealed a representative's February 18, 2008 decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits because she refused suitable work with Advanced Data Comm (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for March 14, 2008. The claimant participated personally. The employer participated by Jenni Bauer, Human Resources Generalist.

**ISSUE:**

The issue is whether the claimant refused suitable work.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant was hired on April 10, 2001, as a full-time person working outbound calls on a specific program. Sometimes during the year there would not be enough work in her program and she would be reassigned to another outbound program.

On January 7, 2008, the employer did not have enough work for the claimant in her outbound program. She would have been assigned to inbound calls in another program. She asked her supervisor if she had to work inbound. The supervisor said she did not. The claimant's hours were reduced because she expressed that she did not wish to work on inbound calls.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant was not available for work.

871 IAC 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.

When an employee requests and is granted time off, she is considered to be unavailable for work. The claimant, in effect, requested a reduction of her hours and the employer granted her request. The change in hours was initiated by the claimant. She is considered to be unavailable for work from January 7, 2008. The claimant is disqualified from receiving unemployment insurance benefits from January 7, 2008, due to her unavailability for work.

**DECISION:**

The representative's February 18, 2008 decision (reference 01) is affirmed. The claimant is disqualified from receiving unemployment insurance benefits due to her unavailability.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/kjw