

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

FRANK D KNOLL
Claimant

APPEAL NO. 21A-UI-12048-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OELWEIN COMMUNITY SCHOOL DISTRICT
Employer

OC: 03/14/21
Claimant: Appellant (1)

Iowa Code § 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated April 29, 2021 reference 01, which held claimant not able and available for work. After due notice, a hearing was scheduled for and held on August 2, 2021. Claimant participated personally. Employer participated by Michael Rueber.

ISSUES:

Whether 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: Claimant last worked for employer on December 23, 2019. After claimant finished his most recent period working as a substitute teacher for employer claimant determined that he no longer wished to work for this employer as the work was 45 minutes away from his home and he did not desire to continue to make the drive. Claimant stated that he no longer was willing to drive to employer's work, although he'd previously done so.

REASONING AND CONCLUSIONS OF LAW:

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

Inasmuch as the claimant's self-imposed travel restriction not work-related, the claimant has not established the ability to work. Benefits are withheld.

DECISION:

The decision of the representative dated April 29, 2021, reference 01 is affirmed. Claimant is not eligible to receive unemployment insurance benefits, effective March 14, 2021 as he is not able and available for work.



Blair A. Bennett
Administrative Law Judge

August 5, 2021
Decision Dated and Mailed

bab/mh