

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KASSIE R RUCHTI
Claimant

APPEAL NO. 12A-UI-08391-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ST GREGORY CENTERS INC
Employer

OC: 05/20/12
Claimant: Appellant (5)

Section 96.4-3 - Able to and Available for Work

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated July 2, 2012, reference 01, that concluded she was still employed at the same hours and wages as her contract of hire. A telephone hearing was held on August 7, 2012. The parties were properly notified about the hearing. The claimant participated in the hearing. Cheryl Bailey participated in the hearing on behalf of the employer.

ISSUE:

Was the claimant able to and available for work?

FINDINGS OF FACT:

The employer is a drug and alcohol rehabilitation center. The claimant worked for the employer as a cook and housekeeper from December 6, 2011, to April 22, 2012. She began working full time but requested that she be scheduled to work part time to accommodate her school schedule. She worked scheduled hours that varied depending on the needs of the facility.

The claimant stopped reporting to work after April 22, 2012, because her car had broken down and she did not have a working cell phone. Afterward, the claimant did not get back on the schedule to return to work due to the claimant's inability to communicate to the facility director, Cheryl Bailey. The claimant was living in Menlo about 30 miles from the facility in Adair. She tried calling Bailey but never was able to speak to her. She did not try stopping at the facility to discuss getting back on the schedule or writing to Bailey to ask her to put her on the schedule. The claimant has never informed the employer that she has quit and the employer has never informed the claimant that she is discharged.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is able to work, available for work, and earnestly and actively seeking work as required by the unemployment insurance law in Iowa Code § 96.4-3.

The claimant stopped reporting to work due to personal problems that affected her availability to work and was not returned to the schedule due to lack of effective communication with the employer. When the claimant stopped working, it was her responsibility to re-establish communication with the employer to get put back on the schedule.

If circumstances change, and the claimant proves that she has spoken to a supervisor with the facility, has offered to return to work and provided the employer with her current hours and days when she can work, but the employer has no work available, the claimant can reapply for benefits and show she is now available for work.

DECISION:

The unemployment insurance decision dated July 2, 2012, reference 01, is modified with no change in the outcome of this case. The claimant was unavailable for work and ineligible for benefits effective May 20, 2012. If circumstances change, and the claimant reapplies and shows she is now available for work, this disqualification may be lifted.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs