

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JUANA E ROCHA**  
Claimant

**APPEAL NO: 14A-UI-08348-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AMERICAN SPIRIT CORPORATION**  
Employer

**OC: 12/01/13**  
**Claimant: Appellant (1)**

Iowa Code § 96.4(3) – Able to and Available for Work

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's August 8, 2014 determination (reference 02) that held her ineligible to receive benefits for the week ending July 12, 2014, because she was not available to work her usual hours. The claimant participated at the September 3 hearing. Dane Weeks, the human resource manager, and Keith Hague, the mailing room supervisor, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not eligible to receive benefits for the week ending July 12, 2014.

**ISSUE:**

For the week of July 6, 2014, was the claimant available to work and eligible to receive benefits?

**FINDINGS OF FACT:**

The claimant works as an inserter operator for the employer. She works an average of 38 hours a week. The employer's workload varies. When the employer does not have enough work for the claimant to do as an inserter operator, the employer asks her to work in another department, the press room. The claimant has worked in the press room.

The week of July 6, the employer did not have enough work for the claimant to do as an inserter operator. Hague personally talked to the claimant to see if she would work in the press room on July 7, 8 and 9. The claimant told Hague she was not available to work these days. Since the employer had work available for her, the employer considered the claimant to have taken a voluntarily layoff these days.

The claimant filed a claim for the week ending July 12. She worked 16 hours this week and reported the gross wages she earned.

**REASONING AND CONCLUSIONS OF LAW:**

Each week a claimant files a claim for benefits, she must be able to and available for work. Iowa Code § 96.4(3). When the claimant declined work in the press room on July 7, 8 and 9, she indicated she was not available even though she usually worked 38 hours a week. If she had accepted this work, which she had done before, she could have worked 38 to 40 hours this week. The claimant made herself unavailable for work on July 7, 8 and 9. As a result, she is not eligible to receive benefits for the week ending July 12, 2014.

The claimant is not required to work in the press room, but when she declines available work she may not be eligible to receive unemployment insurance benefits in weeks she could have earned excessive earnings or more than her maximum weekly benefit amount.

**DECISION:**

The representative's August 8, 2014 determination (reference 02) is affirmed. The claimant was not available to work the hours she could have worked for the employer during the week ending July 12, 2014. Therefore, she is not eligible to receive benefits for the week ending July 12, 2014.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css