

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ALISA A STEGNER
Claimant

APPEAL NO. 10A-UI-13202-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

AUREUS MEDICAL
Employer

**OC: 03/07/10
Claimant: Appellant (4)**

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

Alisa Stegner filed an appeal from a representative's decision dated September 20, 2010, reference 06, which denied benefits on a finding that she refused suitable work with Aureus Medical on August 18, 2010. After due notice was issued, a hearing was held by telephone on October 28, 2010. Ms. Stegner participated personally. The employer participated by Mark Engelbart, Regional Branch Manager.

ISSUE:

At issue in this matter is whether Ms. Stegner refused suitable work on August 18, 2010.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Stegner has been employed by Aureus Medical periodically over the course of several years. The employer provides temporary health care placements around the country. Ms. Stegner's most recent employment began in April of 2010. The placement process begins with Aureus Medical asking an individual if she wants to be considered for an available placement. If the individual is agreeable, an interview is then arranged with the facility seeking the worker. The facility makes the determination as to which individual will actually be offered the position.

Ms. Stegner completed an assignment on May 24, 2010. On August 18, she was offered the opportunity to interview for a position in Florida. She declined the opportunity because it was too far from her home in Iowa. She indicated on her application for employment that she preferred to work in the Midwest but has performed services for the employer outside the Midwest. She knew that continued placement through Aureus Medical was dependent on being available to accept work around the country. It was not until approximately September 13 that Ms. Stegner notified the employer that she was willing to accept work at other geographic locations.

REASONING AND CONCLUSIONS OF LAW:

An individual who refuses an offer of suitable work without good cause is disqualified from receiving job insurance benefits. Iowa Code section 96.5(3)a. Ms. Stegner was not offered work on August 18, only the opportunity to interview for possible work. It appears that she would have had to compete with others for the available position. Since there was no actual job offer, she cannot be disqualified pursuant to section 96.5(3)a.

In order to receive job insurance benefits, an individual must be available for work. Iowa Code section 96.4(3). Ms. Stegner knew Aureus Medical made national placements and had worked for the company outside of the Midwest on prior occasions. However, on August 18 she declined possible work because it was in Florida, which she found to be too far from her home in Iowa. Where an individual is only willing to work in a specific area although work is available in other areas, her availability is considered unduly limited. As such, she would not be considered available for work within the meaning of the law. 871 IAC 24.23(18). Ms. Stegner may well have been found to be unqualified for the position in Florida. However, the lack of credentials was not the reason she gave the employer for declining the opportunity

Ms. Stegner did broaden her availability on or about September 13, 2010. Therefore, the availability disqualification shall be removed effective with the Sunday of that week, September 12, 2010. The decision in Appeal 10A-UI-13203-CT imposed an availability disqualification through August 28, 2010. With the decision herein, the period of disqualification is extended to September 11, 2010.

DECISION:

The representative's decision dated September 20, 2010, reference 06, is hereby modified. Ms. Stegner did not refuse an offer of suitable work on August 18, 2010. She is, however, disqualified as being unavailable for work from August 28 through September 11, 2010. Benefits are allowed thereafter, provided she is not otherwise disqualified.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs