

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BRITTANY HALL
Claimant

COMPASS CLINICAL ASSOCIATES LLC
Employer

APPEAL 20A-UI-08209-CL-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/15/20
Claimant: Appellant (1)

Iowa Code § 96.4(3) – Able and Available

STATEMENT OF THE CASE:

On July 11, 2020, the claimant filed an appeal from the July 2, 2020, (reference 01) unemployment insurance decision that denied benefits based on claimant's availability for work. The parties were properly notified about the hearing. A telephone hearing was held on August 25, 2020. Claimant participated. Employer participated through human resources consultant Susan Arnold, director of operations Lynne Haugen, and front office team lead Hannah Smith. Employer's Exhibits A through D were admitted into the record.

ISSUES:

Is the claimant able to and available for work?
Did the claimant refuse a suitable offer of work?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on August 13, 2018. Claimant last worked as a full-time administrative assistant in employer's Urbandale, Iowa, office. Claimant resides in Mitchellville, Iowa.

On March 17, 2020, employer laid claimant off until further notice due to the COVID 19 pandemic.

On April 20, 2020, employer sent claimant a letter inviting her to reapply for her job. Claimant received the letter, but did not do so.

On May 14, 2020, human resource consultant Susan Arnold called claimant and made an offer for her to return to her job at the same location and at a higher rate of pay. Employer wanted claimant to start on Monday, May 18, 2020. Claimant hesitated because her daycare provider was temporarily closed due to a COVID 19 exposure. Arnold never stated that the offer would be withdrawn if claimant could not start on May 18, 2020. Claimant stated she needed to speak with her boyfriend. Claimant called Arnold back later that day and stated that she was going to

decline the offer because of the short notice and because she was looking for jobs closer to Mitchellville, where she resided.

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 96.1A, subsection 38, paragraph "b", subparagraph (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".

Iowa Admin. Code r. 871-24.24(4) provides:

(4) Work refused when the claimant fails to meet the benefit eligibility conditions of Iowa Code section 96.4(3). Before a disqualification for failure to accept work may be imposed, an individual must first satisfy the benefit eligibility conditions of being able to work and available for work and not unemployed for failing to bump a fellow employee with less seniority. If the facts indicate that the claimant was or is not available for work, and this resulted in the failure to accept work or apply for work, such claimant shall not be disqualified for refusal since the claimant is not available for work. In such a case it is the availability of the claimant that is to be tested. Lack of transportation, illness or health conditions, illness in family, and child care problems are generally considered to be good cause for refusing work or refusing to apply for work. However, the claimant's availability would be the issue to be determined in these types of cases.

Iowa Admin. Code r. 871-24.23(18) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(18) Where the claimant's availability for work is unduly limited because such claimant is willing to work only in a specific area although suitable work is available in other areas where the claimant is expected to be available for work.

In this case, claimant unduly limited her availability for work. Since claimant was previously employed with employer in Urbandale, Iowa, and commuted from Mitchellville, she was expected to make herself available for work in that area—not just areas closer to her home.

Claimant has not established she was available for work effective May 14, 2020. Benefits paid during that week and going forward are denied.

DECISION:

The July 2, 2020, (reference 01) unemployment insurance decision is affirmed. Claimant was not able to and available for work effective the week beginning May 10, 2020.



Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

August 28, 2020
Decision Dated and Mailed

cal/mh

Note to Claimant: This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.