

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KIMBERLY L LIMKEMANN**  
Claimant

**APPEAL NO. 10A-UI-16191-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**KIMLA INC**  
**CHAMPIONSHIP CLIPS**  
Employer

**OC: 04/11/10**  
**Claimant: Appellant (4)**

Section 96.5-3-a – Refusal to Accept Suitable Work

**STATEMENT OF THE CASE:**

Kimberly Limkemann (claimant) appealed a representative's November 17, 2010 decision (reference 02) that concluded she was not eligible to receive unemployment insurance benefits from July 18 through October 23, 2010, because she refused suitable work with Championship Clips (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for January 13, 2011. The claimant participated personally. The employer participated by Kim Hurst, Part Owner.

**ISSUE:**

The issue is whether the claimant refused suitable work.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired in May 2008, as a full-time barber stylist. The employer laid the claimant off for lack of work in May 2010. On July 20, 2010, the claimant put in a job application with Tyson. On or about July 21, 2010, the employer recalled the claimant to work. The claimant refused the offer of work because she applied for work at Tyson. On August 4, 2010, the claimant went to Tyson for a walk-through. She had a physical on August 5, 2010. On August 9, 2010, she started work for Tyson.

The claimant worked for Tyson until she had a non-work-related injury on or about August 23, 2010. While she was not capable of performing work at Tyson with her injury, she could work as a barber stylist.

**REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the claimant is able and available for work. Before a claimant can be disqualified from receiving unemployment insurance benefits for refusing an offer of suitable work, the claimant must be able and available for work. 871 IAC 24.24(4).

871 IAC 24.23(20) provides:

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

(8) Where availability for work is unduly limited because the claimant is waiting to be recalled to work by a former employer or waiting to go to work for a specific employer and will not consider suitable work with other employers.

From July 20 through August 8, 2010, the claimant was waiting to go to work for Tyson and would not consider work from the employer. The claimant is not available for work from July 20 through August 8, 2010.

871 IAC 24.23(23) provides:

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

(23) The claimant's availability for other work is unduly limited because such claimant is working to such a degree that removes the claimant from the labor market.

From August 9 through 22, 2010, the claimant could not work for the employer because she was working to such an extent as to be removed from the work force. The claimant is disqualified from receiving unemployment insurance benefits from August 9 through 22, 2010, because she was not available for work.

**DECISION:**

The representative's November 17, 2010 decision (reference 02) is modified in favor of the appellant. The claimant is disqualified from receiving unemployment insurance benefits from July 20 through August 22, 2010, because she was unavailable for work. After August 22, 2010, she is qualified to receive unemployment insurance benefits, so long as she is eligible.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

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