

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ROSA WILBORN
Claimant

REMEDY INTELLIGENT STAFFING INC
Employer

APPEAL NO: 14A-UI-02091-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 01/19/14
Claimant: Appellant (4)

Iowa Code § 96.4-3 - Availability for Work

STATEMENT OF THE CASE:

Rosa Wilborn (claimant) appealed an unemployment insurance decision dated February 13, 2014, (reference 02), which held that she was not eligible for unemployment insurance benefits because she refused an offer of suitable work with Remedy Intelligent Staffing, Inc. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on March 17, 2014. The claimant participated in the hearing. The employer participated through Augusta, Zapo, Staffing Consultant.

ISSUE:

The issue is whether the claimant is able and available, and if so, whether she refused a suitable offer of 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 is going to school full time and admitted she needs a lot of time to study. She testified that she is not able to work a full-time job because of this but can work part time as long as it does not interfere with her school schedule.

The claimant has worked for the employer intermittently on December 26, 2012. The employer said the claimant refused a job offer on January 20, 2014, because she said she had to take her boyfriend to work but the claimant denies this explanation. She agreed to work on January 21 and 26, 2014, but was a no-call/no-show for both shifts. The claimant went home voluntarily from work at General Mills on January 25, 2014, because they did not have enough work but she asked to be taken off the General Mills list on January 27, 2014. The employer offered a second shift position on February 6, 2014, but the claimant declined the shift. She worked at J & A Printing on February 10, 2014, and at Redstar on February 12, 2014.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant meets the availability requirements, and if so, whether she is disqualified for unreasonably refusing a suitable offer of work. 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. If the facts indicate 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. See 871 IAC 24.24(4).

The evidence confirms the claimant does not meet the availability requirements of the law based on her testimony that she is going to school full time and needs a lot of time to study. Consequently, the issue of whether the claimant refused an offer of suitable work need not be addressed. Benefits are denied accordingly.

DECISION:

The unemployment insurance decision dated February 13, 2014, (reference 02), is modified in favor of the appellant. The claimant does not meet the availability requirements of the law and does not qualify for unemployment benefits. However, she is only disqualified until she meets the availability requirements.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs