

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

---

**SARA N HENDRICKSON**  
Claimant

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**APPEAL NO. 14A-UI-04058-M**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 08/18/13**  
**Claimant: Appellant (2)**

---

Iowa Code § 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated April 8, 2014, reference 03, which held claimant not able and available for work. After due notice, a hearing was scheduled for and held on May 29, 2014. Claimant participated personally with witnesses Janis Hendrickson, and Leslie McCarthy, Vocational Rehabilitation Specialist. Exhibits A and One were admitted into evidence.

**ISSUE:**

The issue in this matter is whether claimant is able and available for work.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant turned down three jobs in a row. The jobs did not meet an appropriate wage based on claimant's average weekly wage. The jobs were not appropriate based on claimant's prior training and experience as a Registered Nurse with a bachelor's degree. Claimant has secured employment effective June 9, 2014. Claimant has made diligent searches for work and is able and available for work.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code § 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 96.19, subsection 38, paragraph "b", unnumbered paragraph 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".

Benefits shall be allowed effective March 30, 2014. Turning down inappropriate jobs does not make claimant unavailable for work. The nature of the work and pay are both important factors when searching for employment. The jobs claimant declined were not appropriate based on her experience and high degree of medical education. Claimant is able and available for work effective March 30, 2014.

**DECISION:**

The decision of the representative dated April 8, 2014, reference 03, is reversed. Claimant is eligible to receive unemployment insurance benefits, effective March 30, 2014, provided claimant meets all other eligibility requirements.

---

Marlon Mormann  
Administrative Law Judge

---

Decision Dated and Mailed

mdm/pjs