

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MINDY L HALE**  
Claimant

**APPEAL NO. 07A-UI-04106-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TRACO A THREE RIVERS**  
Employer

**OC: 01/21/07 R: 01**  
**Claimant: Appellant (1)**

Section 96.5-3-a – Refusal to Accept Suitable Work  
Section 96.4-3 – Available for Work

**STATEMENT OF THE CASE:**

Mindy Hale (claimant) appealed a representative's April 13, 2007 decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits because she refused suitable work with Traco (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 8, 2007. The claimant participated personally. The employer participated by Mary Lou Friedman, Human Resources Manager.

**ISSUE:**

The issue is whether the claimant refused an offer of 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 on May 11, 1998, as a full-time assembler. The employer laid the claimant off from work on January 24, 2007. On March 21 and 22, 2007, the employer left voice messages for the claimant on the claimant's telephone. On March 23, 2007, the employer sent the claimant a certified letter recalling her to work. The claimant signed for receipt of the letter on March 27, 2007. The claimant immediately telephoned the employer and refused recall to work the same hours and wages as prior to her lay off. The claimant enrolled as a full-time student.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow the administrative law judge concludes the claimant is not available for work and refused an offer of suitable 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(5) provides:

(5) Full-time students devoting the major portion of their time and efforts to their studies are deemed to have no reasonable expectancy of securing employment except if the students are available to the same degree and to the same extent as they accrued wage credits they will meet the eligibility requirements of the law.

When an employee is a full-time student and devoting time and effort to studies, she is considered to be unavailable for work. The claimant was devoting her time and efforts to being a full-time student. She is considered to be unavailable for work after March 27, 2007. The claimant is disqualified from receiving unemployment insurance benefits beginning March 27, 2007, due to her unavailability for work.

**DECISION:**

The representative's April 13, 2007 decision (reference 01) is affirmed. The claimant is disqualified from receiving unemployment insurance benefits because she is not available for work with the employer.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/css