

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHERYL D FREEMAN

Claimant

APPEAL NO. 11A-UI-13791-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

GOOD SAMARITAN SOCIETY INC

Employer

OC: 06/05/11

Claimant: Appellant (1)

Section 96.4-3 – Eligibility for Benefits

STATEMENT OF THE CASE:

Cheryl D. Freeman filed a timely appeal from an unemployment insurance decision dated October 11, 2011, reference 02, that denied benefits to her. After due notice was issued, a telephone hearing was held November 14, 2011 with Ms. Freeman participating. Human Resources Director Denise Leal and Director of Nursing Shannon Krantz participated for the employer, Good Samaritan Society, Inc. Exhibit One was admitted into evidence.

ISSUE:

Is the claimant eligible for unemployment insurance benefits?

FINDINGS OF FACT:

Cheryl D. Freeman has been a part-time certified nursing assistant for Good Samaritan Society Incorporated since February 2010. She also works part time for Grape Tree Medical Staffing. Part-time employment with Signature Properties, doing business as Rosewood Manor, ended in February or March 2011.

On October 12, 2011 Director of Nursing Shannon Krantz asked Ms. Freeman if she would interested in apply for permanent full-time hours. Ms. Freeman declined. She accepts some additional hours on a case-by-case basis depending on her personal schedule. Hours picked up in this manner are paid at a higher rate of pay than regularly scheduled hours.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Ms. Freeman is eligible to receive unemployment insurance benefits. She is not. An individual who unduly limits his or her availability for work is not eligible to receive unemployment insurance benefits. See 871 IAC 24.23(16) and (26). The evidence in this record establishes that Ms. Freeman was not willing to apply for regular full-time hours for personal and financial reasons and remains employed by her principle employer, Good Samaritan Society, under the same conditions as when she was hired. Under these

circumstances, the administrative law judge concludes that Ms. Freeman's availability for work is limited to the extent that she is not eligible to receive unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated October 11, 2011, reference 02, is affirmed. The claimant is not eligible to receive unemployment insurance benefits.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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