

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**KARISSA R BROWN**  
Claimant

**APPEAL 16A-UI-07968-LJ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**REM IOWA COMMUNITY SERVICES INC**  
Employer

**OC: 06/19/16  
Claimant: Appellant (2)**

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Iowa Code § 96.4(3) – Ability to and Availability for Work  
Iowa Admin. Code r. 871-24.22(2) – Able & Available - Benefits Eligibility Conditions

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the July 13, 2016, (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant was not available for work. The parties were properly notified of the hearing. A telephone hearing was held on August 9, 2016. The claimant, Karissa R. Brown, participated. The employer, REM Iowa Community Services, Inc., did not register a telephone number at which to be reached and did not participate in the hearing. Claimant's Exhibits A through E were received and admitted into the record.

**ISSUE:**

Was the claimant able to work, available for work, and actively and earnestly seeking work beginning June 19, 2016?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant separated from employment during the week of June 19, 2016, because the employer closed down the house where claimant worked. Claimant was not offered any additional work at this time. Claimant spoke with multiple program directors around this time to try and get work. Claimant was offered a PRN shift, but she did not want to accept this because she needed a shift with a regular schedule.

Subsequently, claimant returned to the employer and she was given a position with a regular schedule. After that, the employer took this position away from claimant and gave it to someone else. Claimant has been actively looking for work in her former field assisting individuals with disabilities. Claimant is also actively applying for cashier positions with employers, as she has cashiering experience.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant is able to work and available for work effective June 19, 2016.

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".

Iowa Admin. Code r. 871-24.22(2) provides:

Benefits eligibility conditions. For an individual to be eligible to receive benefits the department must find that the individual is able to work, available for work, and earnestly and actively seeking work. The individual bears the burden of establishing that the individual is able to work, available for work, and earnestly and actively seeking work.

...

(2) Available for work. The availability requirement is satisfied when an individual is willing, able, and ready to accept suitable work which the individual does not have good cause to refuse, that is, the individual is genuinely attached to the labor market. Since, under unemployment insurance laws, it is the availability of an individual that is required to be tested, the labor market must be described in terms of the individual. A labor market for an individual means a market for the type of service which the individual offers in the geographical area in which the individual offers the service. Market in that sense does not mean that job vacancies must exist; the purpose of unemployment insurance is to compensate for lack of job vacancies. It means only that the type of services which an individual is offering is generally performed in the geographical area in which the individual is offering the services.

In order to be eligible for unemployment insurance benefits, an individual must be able to work, available for work, and actively and earnestly seeking work. Here, claimant meets all the criteria. Claimant separated from her last employer due to a layoff caused by the house where she worked closing. Claimant is able to work and available for work. She is actively and earnestly seeking work, both of the type she performed for her most recent employer and as a cashier. Claimant has experience performing the types of work she is seeking. Accordingly, benefits are allowed.

**DECISION:**

The decision of the representative dated July 13, 2016, (reference 01) is reversed. Claimant is eligible to receive unemployment insurance benefits, effective the week ending June 5, 2016, provided claimant meets all other eligibility requirements.

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Elizabeth Johnson  
Administrative Law Judge

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Decision Dated and Mailed

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