

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JEREMY L WILES**

Claimant

**APPEAL NO. 09A-UI-06860-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CAMBRIDGE TEMPOSITIONS INC**

Employer

**Original Claim: 01-18-09  
Claimant: Respondent (1)**

Iowa Code § 96.4(3) – Able and Available

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the May 1, 2009, reference 05, decision that allowed benefits. After due notice was issued, a hearing was held on May 29, 2009. The claimant did not participate. The employer did participate through Stephanie Matteson, Account Manager.

**ISSUE:**

Was the claimant able to and available for work and did he refuse at suitable offer of work?

**FINDINGS OF FACT:**

Having reviewed the testimony and all of the evidence in the record, the administrative law judge finds: On April 1, 2009, Stephanie Matteson offered the claimant a full-time job at Quality Chef working first shift (8:30 a.m. through 7:00 p.m.), Monday through Thursday, for \$9.00 per hour. The claimant accepted the position and watched the safety video before leaving the employer's work site. Later on April 1, the claimant called the employer and notified them that he would not be able to work on Thursday, April 2, or Friday, April 3, due to previously-scheduled doctor's appointments. The claimant wanted to work beginning the following week, but the employer wanted someone who was available to start on Thursday, April 2, 2009.

**REASONING AND CONCLUSIONS OF LAW:**

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

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".

The claimant was able to and available for work the majority of the week ending April 4, 2009. He was only given one day's notice on starting the new job and, due to doctor's appointments, could not begin when the employer wanted him to. The employer would not allow the claimant to begin the job on Monday, April 6. Under such circumstances, the administrative law judge concludes that the claimant was able to and available for work the majority of the week. Accordingly, benefits are allowed.

**DECISION:**

The May 1, 2009, reference 05, decision is affirmed. The claimant is able to work and available for work effective April 1, 2009. Benefits are allowed.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

tkh/kjw