

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**CATHERINE A ROCHE**  
Claimant

**APPEAL 21A-UI-24318-DH-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 05/30/21  
Claimant: Appellant (4)**

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Iowa Code § 96.4(3) - Able and Available to Work

**STATEMENT OF THE CASE:**

Appellant, Catherine Roche, appealed the October 25, 2021, (reference 03) unemployment insurance decision that concluded she was not eligible for unemployment insurance benefits as of 10/17/2021 due to her not meeting the availability requirements since she is waiting for work with a specific employer and will not consider suitable work with other employers which unduly limits availability for work. Notices of hearing were mailed to the parties' last known addresses of record for a telephone hearing scheduled for December 28, 2021. Claimant participated. The department did not participate. Judicial notice was taken of the administrative file.

**ISSUE:**

Is the claimant able to and available for work?

**FINDINGS OF FACT:**

Having heard the testimony and reviewed the evidence in the record, the undersigned finds:

Claimant is a nurse practitioner seeking employment as she was laid off the week ending June 5, 2021. She has submitted employment claims for the weeks ending June 5, 2021 through October 16, 2021. Claimant stopped submitting claims for unemployment after the week ending October 16, 2021 due to what she was told by someone else with IWD about accepting a job offer, followed up shortly with the decision that is under appeal.

During claimant's job search, approximately in the first full week of July 2021, she was offered a job as a nurse practitioner. In the medical profession, doctors, physician assistants and nurse practitioners need to be credentialed by insurance providers at the practice location where they will work. This is required by insurance providers, so when the doctor's office bills for services, the insurance provider will pay the bill for the credentialed provider. Credentialing takes a minimum of three to four months, but often takes longer.

Claimant advised a Theresa Hurst with IWD of her situation, asked what to do, was advised that she can keep looking for employment, and has to be open to taking something if offered. Claimant

advised that it would reset the credentialing clock, as it is specific to the practice one works. Claimant testified she was open to accepting an offer for work.

During the timeframe she was receiving benefits, claimant was able to work, earnestly and actively seeking work and was available to work. She has recently learned that she is finally credentialed for the position that offered a position in July, and will start employment on 01/03/22.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant is able to and available to work, until October 17, 2021, when she stopped submitting her unemployment claims and work searches based on what someone else at IWD told her about not being eligible since she accepted a job offer and was waiting to start work.

Iowa Code section 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".

Because claimant stopped submitting claims and work searches as of October 17, 2021, she became ineligible as of that date.

**DECISION:**

The October 25, 2021, (reference 03) unemployment insurance decision denying benefits as of October 17, 2021 is **MODIFIED** as to the underlying reason why, as set forth above, but the end result of benefits being denied as of October 17, 2021 is affirmed.



Darrin T. Hamilton  
Administrative Law Judge

January 24, 2022  
Decision Dated and Mailed

dh/kmj