

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ALICIA CAIRNS
Claimant

CHI LIVING COMMUNITIES
Employer

APPEAL 20A-UI-08067-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 03/29/2020
Claimant: Appellant (1)**

Iowa Code § 96.4(3) – Ability to and Availability for Work

STATEMENT OF THE CASE:

On July 8, 2020, Alicia Cairns (claimant/appellant) filed an appeal from the July 7, 2020 (reference 01) unemployment insurance decision that found claimant was not eligible for benefits as of March 29, 2020 due to unduly limiting her availability for work.

A telephone hearing was held on August 20, 2020. The parties were properly notified of the hearing. The claimant participated personally. CHI Living Communities (employer/respondent) participated by HR Director Carey Boysen. Scheduler DeKeena Tete-Anderson participated as a witness for employer.

Claimant's Exhibit 1 was admitted. Official notice was taken of the administrative record.

ISSUES:

Is the claimant able to and available for work?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant's first day of employment was February 25, 2020. Claimant was hired to work as a full-time CNA. She continued in this full-time position until the beginning of April, when she requested and was granted a change to PRN or on-call status. Claimant is still employed in that capacity. When claimant moved to PRN status, she had the option of picking up shifts through an app. Claimant did not pick up any shifts, in part because of her son's health issues and in part because she had difficulty accessing the app. Claimant made half-hearted attempts to gain access to the app. She contacted employer in late June to see if she could return to her full-time position but was told that position was no longer available. Claimant was advised at the time she moved to PRN status that the full-time position would not be held open for her.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the July 7, 2020 (reference 01) unemployment insurance decision that found claimant was not eligible for benefits as of March 29, 2020 due to unduly limiting her availability for work is AFFIRMED.

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".

Claimant is unavailable for work from the benefit week ending April 4, 2020 and continuing to present. She chose to limit her availability to on-call employment, to not accept any shifts available to her, and to only half-heartedly attempt to restore her access to the app to be able to view shifts. Claimant's attempt to return to her full-time position near the end of June is admirable but that does not make her available for work. Claimant knew at the time of her change to PRN status that her full-time position would not be held open for her. Furthermore, after that time claimant continued to not take on-call work. Benefits are denied.

The administrative law judge notes that while this decision denies regular, state benefits, claimant may be eligible for Pandemic Unemployment Assistance (PUA). Further information on PUA is set forth below.

DECISION:

The July 7, 2020 (reference 01) unemployment insurance decision that found claimant was not eligible for benefits as of March 29, 2020 due to unduly limiting her availability for work is AFFIRMED. Benefits are denied.



Andrew B. Duffelmeyer
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 478-3528

August 25, 2020
Decision Dated and Mailed

abd/sam

Note to Claimant:

If you disagree with this decision, you may file an appeal with the Employment Appeal Board by following the instructions on the first page of this decision. If this decision denies benefits, you may be responsible for paying back benefits already received.

Individuals who are disqualified from or are otherwise ineligible for **regular** unemployment insurance benefits but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.