

871—24.16(96) Availability disqualifications. The following are reasons for disqualifying a claimant for being unavailable for work:

- 24.16(1)** An individual who is ill and presently not able to work due to illness.
- 24.16(2)** An individual presently in the hospital. If there is a change in status, the individual is to renew the claim at once if unemployed.
- 24.16(3)** If an individual places restrictions on employability as to the wages and type of work that is acceptable and when considering the length of unemployment, such individual has no reasonable expectancy of securing work.
- 24.16(4)** If the individual loses the means of transportation from the residence to the area of usual employment. However, an individual will not be disqualified for restricting employability to the geographic area of usual employment. More information is contained in subrule 24.20(7).
- 24.16(5)** Full-time students devoting the major portion of their time and efforts to their studies except for students available to the same degree and to the same extent as when they accrued wage credits.
- 24.16(6)** If an individual has a medical report on file submitted by a physician or a physician assistant, stating the individual is not presently able to work.
- 24.16(7)** Where an individual devotes time and effort to becoming self-employed.
- 24.16(8)** Where availability for work is unduly limited because of not having made adequate arrangements for child care.
- 24.16(9)** The claimant requested and was granted a leave of absence.
- 24.16(10)** Failure to report as directed to the department in response to a notice sent to the claimant.
- 24.16(11)** If a claimant is in jail or prison.
- 24.16(12)** If an individual cannot be contacted by the department for referral to possible employment.
- 24.16(13)** Where a claimant has demanded a wage in excess of the wages most commonly paid for suitable work the individual is seeking in the locality.
- 24.16(14)** Where availability for work is unduly limited because a claimant is not willing to work during the hours in which suitable work for the claimant is available.
- 24.16(15)** Where work is unduly limited because the claimant is not willing to work the number of hours necessary in the claimant's occupation.
- 24.16(16)** Where availability for work is unduly limited because such claimant is willing to work only in a specific area although suitable work is available in other areas where the claimant is expected to be available for work.
- 24.16(17)** Where availability for work is unduly limited because the claimant is not willing to accept work in the claimant's usual occupation and has failed to establish what other types of work that can and will be performed at the wages most commonly paid in the claimant's locality.
- 24.16(18)** Where availability for work is unduly limited because the claimant is waiting to be recalled by a former employer or waiting to go to work for a specific employer and will not consider suitable work with other employers.
- 24.16(19)** Where a claimant does not want to earn wages that may adversely affect receipt of social security.
- 24.16(20)** Where availability is unduly limited because claimant is working to such a degree that removes the claimant from the labor market.
- 24.16(21)** Reserved.
- 24.16(22)** If the claimant is out of town for personal reasons for the major portion of the workweek and is not fulfilling reemployment requirements.
- 24.16(23)** Where a claimant is still employed in a part-time job at the same hours and wages as contemplated in the original contract for hire and is not working on a reduced workweek basis different from the contract for hire, such claimant cannot be considered partially unemployed.
- 24.16(24)** Failure to report any effort to find employment.
- 24.16(25)** Failure to make an adequate work search after having been previously warned and instructed to expand the work search.
- 24.16(26)** Failure to work the major portion of the scheduled workweek for the claimant's regular employer.

24.16(27) Failure to attend the major portion of the scheduled workweek for department-approved training.

24.16(28) Where the claimant spent the major portion of the period traveling while relocating.

24.16(29) The claimant is ineligible for benefits because no search for work was made during the period such claimant was on vacation unless the provisions of Iowa Code section 96.1A(37) “c” are met.

24.16(30) Where the claimant left employment prior to a scheduled layoff when claimant could have remained in employment. No disqualification may be imposed in accordance with Iowa Code section 96.5(1) “g” for the period subsequent to the date of the scheduled layoff if such claimant is otherwise eligible. The claimant will be disqualified for the period between the last day worked and the date of the scheduled layoff because of voluntary unemployment.

24.16(31) Where the claimant is not able to work due to personal injury.

24.16(32) Where the claimant is not able to work, is under the care of a medical practitioner, and has not been released as being able to work.

24.16(33) An individual who follows a course of action designed to discourage prospective employers from hiring the individual will be deemed to have failed to make an effort to secure work.

24.16(34) Where the work search has been deliberately falsified for the purpose of obtaining benefits, the recommended penalty is:

a. First offense—denial of benefits for six weeks.

b. Second offense—denial of benefits for nine weeks.

c. Third offense—total disqualification for the remainder of the benefit year and the department may consider filing fraud charges.

The penalties are a mere guide and not a substitute for the subjective judgment of the department.

24.16(35) Where claimant became temporarily unemployed but was unavailable for work with the employer that temporarily laid the claimant off. The evidence must establish that the claimant had a choice to work and that the willingness to work would have led to actual employment in suitable work during the weeks the employer temporarily suspended operations.

This rule is intended to implement Public Law 96-499 and Iowa Code sections 96.4(3), 96.5(1), 96.6(1), 96.1A and 96.29.

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