

**871—24.23(96) Availability disqualifications.** The following are reasons for a claimant being disqualified for being unavailable for work.

**24.23(1)** An individual who is ill and presently not able to perform work due to illness.

**24.23(2)** An individual presently in the hospital is deemed not to meet the availability requirements of Iowa Code section 96.4(3) and benefits will be denied until a change in status and the individual can meet the eligibility requirements. Such individual must renew the claim at once if unemployed.

**24.23(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, such individual will be deemed not to have met the availability requirements of Iowa Code section 96.4(3).

**24.23(4)** If the means of transportation by an individual was lost from the individual's residence to the area of the individual's usual employment, the individual will be deemed not to have met the availability requirements of the law. However, an individual shall not be disqualified for restricting employability to the area of usual employment. See subrule 24.24(7).

**24.23(5)** Full-time students devoting the major portion of their time and efforts to their studies are deemed to have no reasonable expectancy of securing employment except if the students are available to the same degree and to the same extent as they accrued wage credits they will meet the eligibility requirements of the law.

**24.23(6)** If an individual has a medical report on file submitted by a physician, stating such individual is not presently able to work.

**24.23(7)** Where an individual devotes time and effort to becoming self-employed.

**24.23(8)** Where availability for work is unduly limited because of not having made adequate arrangements for child care.

**24.23(9)** Reserved.

**24.23(10)** The claimant requested and was granted a leave of absence, such period is deemed to be a period of voluntary unemployment and shall be considered ineligible for benefits for such period.

**24.23(11)** Failure to report as directed to workforce development in response to the notice which was mailed to the claimant will result in the claimant being deemed not to meet the availability requirements.

**24.23(12)** If a claimant is in jail or prison, such claimant is not available for work.

**24.23(13)** Rescinded IAB 8/6/03, effective 9/10/03.

**24.23(14)** An individual is deemed not available for work because such individual cannot be contacted by the department for referral to possible employment.

**24.23(15)** Where a claimant has demanded a wage in excess of the wages most commonly paid in such claimant's locality for the suitable work the individual is seeking.

**24.23(16)** 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.

**24.23(17)** Work is unduly limited because the claimant is not willing to work the number of hours required to work in the claimant's occupation.

**24.23(18)** Where the claimant's 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.

**24.23(19)** Availability for work is unduly limited because the claimant is not willing to accept work in such 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.

**24.23(20)** Where availability for work is unduly limited because the claimant is waiting to be recalled to work by a former employer or waiting to go to work for a specific employer and will not consider suitable work with other employers.

**24.23(21)** Rescinded IAB 8/6/03, effective 9/10/03.

**24.23(22)** Where a claimant does not want to earn enough wages during the year to adversely affect receipt of federal old-age benefits (social security).

**24.23(23)** The claimant's availability for other work is unduly limited because such claimant is working to such a degree that removes the claimant from the labor market.

**24.23(24)** When a claimant is receiving from the Veterans Administration an educational assistance allowance under the War Orphans Educational Assistance Act of 1956, which is disqualifying under the Social Security Act.

**24.23(25)** If the claimant is out of town for personal reasons for the major portion of the workweek and is not in the labor market.

**24.23(26)** 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.

**24.23(27)** Failure to report on a claim that a claimant made any effort to find employment will make a claimant ineligible for benefits during the period. Mere registration at the workforce development center does not establish that a claimant is able and available for suitable work. It is essential that such claimant must actively and earnestly seek work.

**24.23(28)** A claimant will be ineligible for benefits because of failure to make an adequate work search after having been previously warned and instructed to expand the search for work effort.

**24.23(29)** Failure to work the major portion of the scheduled workweek for the claimant's regular employer.

**24.23(30)** Failure to attend the major portion of the scheduled workweek for department approved training.

**24.23(31)** Where the claimant spent the major portion of the period traveling while relocating.

**24.23(32)** 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 96.19(38) "c" are met.

**24.23(33)** Where the claimant left employment prior to a scheduled date of layoff when such claimant could have remained in employment during this period. 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.

**24.23(34)** Where the claimant is not able to work due to personal injury.

**24.23(35)** Where the claimant is not able to work and is under the care of a medical practitioner and has not been released as being able to work.

**24.23(36)** Rescinded IAB 8/6/03, effective 9/10/03.

**24.23(37)** An individual shall be deemed to have failed to make an effort to secure work if the individual has followed a course of action designed to discourage prospective employers from hiring such individual in suitable work.

**24.23(38)** Rescinded IAB 8/6/03, effective 9/10/03.

**24.23(39)** Where the work search or the Eligibility Review Form has been deliberately falsified for the purpose of obtaining unemployment insurance benefits. The general guide for disqualifications for falsification of work search is listed below. It is intended to be used as a guide only and is not a substitute for the personal subjective judgment of the representative because each case must be decided on its own merits. The administrative penalty recommended for falsification is:

a. First offense—six weeks penalty.

b. Second offense—nine weeks penalty.

c. Third offense—total disqualification for the remainder of the benefit year plus consideration of the possibility of filing fraud charges depending on the circumstances.

**24.23(40)** Reserved.

**24.23(41)** The claimant became temporarily unemployed, but was not available 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, Iowa Code sections 96.4(3), 96.5(1), 96.6(1), 96.19(38) "c" and 96.29.