

Able and Available (1/10/2013)

Not all questions apply to every claimant with this issue. Your fact-finding must be guided by CESA, Regulations and ETA 301 criteria.

Child Care

Was your most recent job separation caused by a childcare problem? Please describe.
Do you have a daycare provider now? Who? Where?
Do you have alternative childcare options, family or friends? Names, availability?
What are the ages of your children?
How have you arranged for childcare in the past when you were employed?
Who can care for your children while you are applying for jobs or if you have a job interview scheduled? Names, availability?
If offered a suitable job this week, what arrangements do you have for childcare?
What are you doing to set up childcare?
What days and hours are you available for work? What days and hours do you have childcare arranged?

Commissions

Who are you receiving commission from?
What hours or days are you working and are you under a contract?
Are your hours set or are you free to work as many hours as you want? (Trujillo v ICAO decision)
When are you available to search for work?
Would you be available to take a position if offered?
How often do you receive your commission payments?
Is your commission a lump sum payment or do you receive it in weekly or monthly installments?
What is your average amount and how long will you be receiving payment?
Do you consider yourself self-employed?

Corporate Officer

What type of business is it?
What specific hours do you work?
Could you work for the corporation and work full time at the same time?
If offered FT employment tomorrow, could you accept it?
If offered employment with a company whose interests conflicted with those of your company, would you be willing to accept this employment?
Do you own a portion of the company and if so, how much?
Are you invested in the company and if so, how much?
Do you have control over your ability to leave the company on short notice?
Who does the office work, bookkeeping?

Health/Medical

Eligibility Considerations

A claimant must be physically and mentally able to work in order to be eligible for UI benefits.

If the claim is based on full-time employment, the claimant must be A&A for full-time employment in order to be eligible for benefits.

Facts needed to determine A&A

What is the specific medical condition(s)?

What was the date of onset (diagnosed)?

Are you still under doctor's care? Frequency of appointments?

What are your work restrictions?

How long do you anticipate the restrictions will last?

Are you currently on any medication for this condition? If so, what are they and what side effects do they have?

Is this the reason for your separation from the last employer?

Are you on medical leave from work?

Did you receive (are you still receiving) workers compensation?

How does this medical condition impact your ability to do the kind of work you did in the past? What type of work did you do?

Given your medical condition, are you able to look for work? (Full/part-time?)

What kind of work are you willing to do? (Only the claimant can answer this!)

Do you have medical documentation from your physician?

Are you willing to pursue other work for which you are qualified and which you are able to do?

Describe this other suitable work: what jobs, what type of employers, and what salary?

Are you available to accept suitable work?

Do you need additional training, special tools/equipment to perform other suitable work? Do you have a need for special transportation?

Is the work you are seeking available in your labor market area?

What types of jobs and what employers have you contacted looking for work?

Procedures on Medical Issues

If the claimant can provide all facts necessary for you to make an eligibility decision, document the facts and the analysis/conclusion on the B-439. Enter the decision on CUBS, allow or disallow.

If the claimant cannot provide all necessary facts, you may ask for a Medical Statement, form B-188, from the attending physician and leave the issue active pending receipt of the Medical Statement. Document the available facts and leave the B-439 active.

An alternative is to disallow the claimant (BYB to BYE) if the facts are inadequate to verify that the claimant is A&A for suitable work. The claimant can be instructed to notify the Division when the circumstances change and s/he is able to work.

School/Training

Start with the name of the school, the date started and expected to end, then the specific days and hours of the classes

What is the area of study and method of attending classes: in person, via internet, correspondence, etc

If the claimant is taking an on-line course, be sure to check if they have set times to be on the internet for the class. Some on-line classes do require this.

What were your normal work hours when employed? Are the classes held during your normal working hours?

Have you previously attended school while working?

What will you do if offered suitable employment that interferes with your school schedule?

Are you seeking work in your usual occupation?

If you are seeking work in a different occupation, what is that occupation?

Do you have the necessary education, experience and skills for that type of work?

Are you willing to accept the usual rate of pay and work the usual hours for that occupation?

Was your previous employment full-time or part-time work? Are you seeking and available for all suitable full-time/part-time work?

Who is funding your schooling/training?

School/Training Approved

If the claimant is attending training arranged through the Work Force Center, it is probably automatically approved training.

We must have a letter sent to us from the WFC representative giving basic facts about the training.

If the claimant is attending school during normal work hours and not available for suitable employment, we may be able to approve the training and exempt the claimant from work search if all the criteria in Regulation 2.6 are met.

Reference: [ETA 301 Guide Sheet 10](#)

Self Employed

What type of business is it? What is the name of the business? Are you registered as a corporation?

What is your role/responsibility in the business?

Who does the office work, accounting, sales, etc? How many others work in this business with you?

How many hours per week do you work in this business? What time of the day?

What are your earnings?

Where do you do this work?

How do you find customers/clients for your business?

Can the work for your self-employment be done concurrently while working for another, covered employer?

Would working at your business interfere with your ability to actively seek work?

What type of work are you looking for? Are you looking for a job at a company or are you looking for work for your business?

Do the hours working for your business differ from the business hours of the job you are seeking?

Would you be available to work and are you willing to accept other work if offered?

What percentage of the business do you own?

What is the dollar amount of your investment in the business?

What are your after-business-expenses gross earnings as determined by the IRS criteria?

If you were offered suitable, covered employment that interfered with your self-employment, what would you do?

Transportation

Was your most recent job separation related to a transportation problem?

What is your normal mode of transportation for employment?

How have you gotten to work in the past?

How long until your vehicle is fixed?

Can you borrow a vehicle from someone else? Any day? Any time?

Can you find alternate modes of transportation in your labor market area? i.e. walk, bike ride, taxi, carpool, bus

Do you live near the bus line? How far is walking to the bus stop?

Can you walk to the bus stop and then take the bus?

What type of work are you seeking? What hours?

Is it on the bus routes or within walking distance?

Are you willing to seek other suitable work, which you can reach by alternate means of transportation?

Note: If the claimant discusses looking for other work, get specific details about the types of work, the labor market and the claimant's willingness to alter expectations.

[Referral possibility for metro Denver: Call RTD customer service and get route information or log on to www.rtd-denver.com](http://www.rtd-denver.com)

Volunteer

What is the volunteer work? Where is it located?

How much time do you spend doing this work? What specific days and hours?

Are you A&A&A for suitable employment?

If you were offered suitable employment that interfered with your volunteer work, what would you do?