

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

TERRI M TAYLOR
Claimant

APPEAL NO. 12A-UI-03371-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**HAWKEYE CARE CENTER OF
MARSHALLTOWN
VILLA DEL SOL**
Employer

**OC: 02/05/12
Claimant: Appellant (1)**

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Terri Taylor (claimant) appealed a representative's March 26, 2012 decision (reference 02) that concluded she was not eligible to receive unemployment insurance benefits based on her work with Villa Del Sol (employer) because she was not available for work. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for April 18, 2012. The claimant participated personally. The employer participated by Tammy Olson, Administrator, and Sharon Gersdorf, Human Resource Manager.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on March 20, 2011, as a full-time registered nurse. On November 1, 2011, the claimant requested to be reassigned to part-time work in anticipation of her enrollment in a full-time school to become a massage therapist. The claimant's course of study runs from November 15, 2011, through May 17, 2012. On February 19, 2012, the employer decided not to have any part-time employees and switched the claimant's status to an "as needed" basis. The claimant's last day of work was February 18, 2012. The employer considers the claimant to be an employee and will have work for the claimant when she returns to full-time status.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes the claimant is not available for work.

871 IAC 24.23(16) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(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.

When an employee requests and is granted time off, she is considered to be unavailable for work. The claimant requested a reduction of her hours as of November 1, 2011, and the employer granted her request. The change in hours was initiated by the claimant. She is considered to be unavailable for work after November 1, 2011.

871 IAC 24.23(5) provides:

(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.

When an employee is a full-time student, she is considered to be unavailable for work. The claimant is a full-time student. She is considered to be unavailable for work after November 15, 2011. The claimant is disqualified from receiving unemployment insurance benefits beginning November 1, 2011, due to her unavailability for work.

DECISION:

The representative's March 26, 2012 decision (reference 02) is affirmed. The claimant is disqualified from receiving unemployment insurance benefits because she is not available for work with the employer.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css