

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**EVELYN M PALM**  
Claimant

**APPEAL NO. 12A-UI-01488-VS**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**EASTERN IOWA COMMUNITY COLLEGE**  
Employer

**OC: 12/18/11**  
**Claimant: Appellant (1)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

The claimant filed an appeal from a representative's decision dated February 1, 2012, reference 01, which held that the claimant was not eligible to receive unemployment insurance benefits. After due notice, a hearing was scheduled for and held on April 11, 2012, in Davenport, Iowa. The claimant participated. The employer participated by LeAnn Gillespie, personnel specialist. The record consists of the testimony of Evelyn Palm; the testimony of LeAnn Gillespie; and Employer's Exhibits 1 and 2.

**ISSUE:**

Whether the claimant is still employed at the same hours and wages.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The claimant is an adjunct instructor at Clinton Community College. This is a part-time position. The claimant has worked for the employer since August 30, 1993 and has always worked part-time. She worked the spring and fall semesters of 2010; the spring and fall semesters of 2011; and is teaching this spring semester of 2012.

**REASONING AND CONCLUSIONS OF LAW:**

In order for an individual to be eligible to receive benefits, the individual must be able to work, be available for work, and earnestly and actively seeking work. Iowa Code section 96.4-3. If the individual 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 individual cannot be considered partially unemployed. 871 IAC 24.23(26).

The evidence in this case established that the claimant is still employed at a part-time job at the same hours and wages as contemplated in the original contract of hire. She has no other

wages in her base period that could be used for a claim for partial unemployment insurance benefits. Accordingly, the claimant is not eligible for benefits effective December 18, 2011. Benefits are denied.

**DECISION:**

The representative's decision dated February 1, 2012, reference 01, is affirmed. The claimant is not eligible for partial unemployment insurance benefits effective December 18, 2011.

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Vicki L. Seeck  
Administrative Law Judge

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Decision Dated and Mailed

vls/kjw