

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MICHAEL A BEGYN**  
Claimant

**APPEAL NO. 13A-UI-05935-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**EASTERN IOWA COMMUNITY COLLEGE**  
Employer

**OC: 12/16/12**  
**Claimant: Respondent (1)**

Section 96.4(3) – Able and Available

**STATEMENT OF THE CASE:**

The employer, Eastern Iowa Community College (EICC), filed an appeal from a decision dated May 10, 2013, reference 02. The decision allowed benefits to the claimant, Michael Begyn. After due notice was issued, a hearing was held by telephone conference call on June 27, 2013. The claimant participated on his own behalf. The employer participated by Personnel Specialist Leann Gillespie.

**ISSUE:**

The issue is whether the claimant is able and available for work.

**FINDINGS OF FACT:**

Michael Begyn was teaching as an instructor for EICC for the spring semester from January 14 until May 30, 2013. The semester should have ended May 15, 2013, but the facility had to be shut down for a period of time due to working being done on the structure. He filed an additional claim for benefits with an effective date of April 14, 2013, and filed for the one-week period during which classes were suspended.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.4-3 provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept

suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

The claimant was on a temporary layoff due to the building in which he taught being worked on. This is a short-term layoff during which he remained available to the employer had another area been provided to teach his class.

**DECISION:**

The representative's decision of May 10, 2013, reference 02, is affirmed. Michael Begyn is eligible for benefits as he was able and available for work with his regular employer.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/css