

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DARLENE K VAN METER**  
Claimant

**APPEAL NO. 11A-UI-12451-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**KIRKWOOD COMMUNITY COLLEGE**  
Employer

**OC: 08/14/11  
Claimant: Appellant (2)**

Section 96.4-3 – Eligibility for Benefits

**STATEMENT OF THE CASE:**

Darlene K. Van Meter filed a timely appeal from an unemployment insurance decision dated September 15, 2011, reference 01, that ruled she was ineligible for unemployment insurance benefits. After due notice was issued, a telephone hearing was held October 17, 2011, with Ms. Van Meter participating. Human Resources Generalist Linda Warren participated for the employer, Kirkwood Community College.

**ISSUE:**

Does the claimant meet the eligibility requirement of being available for work?

**FINDINGS OF FACT:**

Darlene K. Van Meter, a full-time student at Kirkwood Community College, filed a claim for unemployment insurance benefits effective August 14, 2011. Kirkwood Community College is her only base period employer. Ms. Van Meter worked basically two days per week for Kirkwood Community College during her base period. In the fall of 2011, Ms. Van Meter has no classes on Thursdays. She also has no classes on Tuesday afternoons and Friday mornings. She is also available for work on Saturdays.

**REASONING AND CONCLUSIONS OF LAW:**

The question is whether the claimant meets the eligibility requirement of being available for work. She does.

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".

A full-time student must be available for work to the same extent that he or she was available during the base period upon which unemployment insurance benefits have been computed. The record shows that Ms. Van Meter worked two days per week during her base period. The evidence establishes that she is available for work one full day and two half days during each work week, as well as on Saturdays. The administrative law judge concludes that this is sufficient to meet the availability requirement.

**DECISION:**

The unemployment insurance decision dated September 15, 2011, reference 01, is reversed. The claimant is entitled to receive unemployment insurance benefits, provided she is otherwise eligible.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

kjw/kjw