

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JOSEPH M CHANCELLOR**  
Claimant

**APPEAL NO. 13A-UI-04273-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

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

Section 96.4-3 - Able to and Available for Work

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated April 1, 2013, reference 03, that concluded he was not available for work. A telephone hearing was held on June 25, 2013. The claimant participated in the hearing.

**ISSUE:**

Was the claimant able to and available for work?

**FINDINGS OF FACT:**

The claimant worked full time for Frontier Communications September 2009 to August 2012. He was in the process of trying to get a church started in Burlington and decided to work part time as a sales person for the employer to provide some extra income.

He started working part-time for the employer October 2, 2012. He worked three or four days per week. Initially, he was paid \$20 per day plus commissions. Starting in January 2013, his compensation changed to draw against commissions' arrangement. He could have worked full time for the employer and the employer could have used the claimant to work full time but the claimant was only interested in working part-time hours because he also working at getting the church up and running.

The claimant filed a new claim for unemployment insurance benefits effective December 2, 2012. His weekly benefit amount was determined to be \$486 based on his full-time wages from Frontier Communications. He filed for benefits from December 2, 2012, through April 27, 2013.

Between his work with the employer and his work for the church, the claimant was working over 40 hours per week. The church, however, lacked the finances to pay the claimant anything more than a housing allowance.

The claimant ended up leaving his employment with the employer on May 20, 2013, to return to employment with Frontier Communications on June 3, 2013.

**REASONING AND CONCLUSIONS OF LAW:**

The first issue in this case is whether the claimant is able to work, available for work, and earnestly and actively seeking work as required by the unemployment insurance law in Iowa Code § 96.4-3. The unemployment rules do not allow a claimant whose wages credits on his claim were earned in full-time work to restrict himself to part-time work. 871 IAC 24.22(2)f. And a person who is working full time is not eligible for benefits. 871 IAC 24.22(2).

The claimant worked part time for the employer, but it was his choice to work part time and the employer had full-time work available for the claimant. In addition, between his part-time job with the employer and his efforts to get the church started up, he removed himself from the labor market.

**DECISION:**

The unemployment insurance decision dated April 1, 2013, reference 03, is affirmed. The claimant is ineligible for benefits effective December 2, 2013. If circumstances change and the claimant believes that the disqualification should be removed, he must contact the Agency and request the removal of the disqualification.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/pjs