

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CIARA L VESEY**  
Claimant

**APPEAL NO: 100-UI-03553-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**GUIDEONE MUTUAL INSURANCE CO**  
Employer

**OC: 11/08/09**  
**Claimant: Appellant (2)**

Section 96.4-3 – Able to and Available for Work

**STATEMENT OF THE CASE:**

The claimant appealed a representative's December 2, 2009 decision (reference 01) that held she was not eligible to receive benefits because she was not available to work since she devoted the majority of her time to being a full-time student. A hearing was initially held on January 14, 2010. There was no indication either party responded to the hearing notice. As a result, the decision was affirmed based on the information in the administrative record.

The claimant appealed January 15, 2010 decision to the Employment Appeal Board. The Employment Appeal Board remanded this matter to the Appeals Section for a new hearing. On April 6, another telephone hearing was held. The claimant participated in the hearing. The employer again did not respond to the hearing notice or participate in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Is the claimant able to and available for work as of November 8, 2009?

**FINDINGS OF FACT:**

The claimant has wage credits from a full-time job where she worked as a legal assistant, 7:30 a.m. to 4:00 p.m. The claimant started attending school in August 2009. She is a full-time student but looks for full-time work. The claimant is available to work as of 1:00 pm. In addition to working as a legal assistant, the claimant has a background in customer service and a secretary. When she looked for work, she was willing to accept any work that started at 1:00 p.m. In late December 2009, the claimant accepted a part-time job as an office secretary for a gymnastics business. The claimant works 2:00 to 8:00 p.m. various days of the week, including Sunday.

The claimant established a claim for benefits during the week of November 8, 2009.

**REASONING AND CONCLUSIONS OF LAW:**

Each week a claimant files a claim for benefits, she must be able to and available for work. Iowa Code section 96.4-3. A full-time student devoting the major portion of her time and effort to her studies is deemed to have no reasonable expectancy of securing employment unless she is available to the same degree and to the same extent as she accrued her wage credits 871 IAC 24.23(5).

The facts establish the claimant was able to and available for full-time employment when she attends school. While she was unable to work in the morning, she is still available to work 40 hours a week in jobs she had skills and experience doing. Under the facts of this case, the claimant established that she is able to and available for work. Therefore, as of November 8, 2009, the claimant is eligible to receive benefits.

**DECISION:**

The representative's December 2, 2009 decision (reference 01) is reversed. As of November 8, 2009, the claimant established that even though she attends school as a full-time student, she is able to and available to work full time in jobs in which she has experience and skills.

---

Debra L. Wise  
Administrative Law Judge

---

Decision Dated and Mailed

dlw/pjs