

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SARAH E STUELKE
Claimant

APPEAL NO: 18A-UI-04276-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

COMPREHENSIVE SYSTEMS INC
Employer

OC: 03/11/18
Claimant: Appellant (2)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the March 30, 2018, reference 02, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on May 1, 2018. The claimant participated in the hearing with her husband Dixon Stuelke. Sheryl Heyenga, Human Resources Director and Shondra Schmitt, Direct Supervisor, participated in the hearing on behalf of the employer.

ISSUE:

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

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant is employed as a part-time bus driver for Durham School Services. She was laid off the week of spring break, March 12 through March 17, 2018, and returned to work the following Monday, March 19, 2018.

The claimant cleans a house for one client and spends one hour per week doing so. She helps her husband with the books for his business about five to 10 hours per week but her hours are flexible.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant is able to work and available for work

Iowa Code § 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 laid off from her job as a part-time bus driver during spring break, which was the week ending March 17, 2018. She is not devoting any time or effort to becoming self-employed. Accordingly, the claimant is considered able and available for work and benefits are allowed.

DECISION:

The March 30, 2018, reference 02, decision is reversed. The claimant is able to work and available for work effective March 11, 2018. Benefits are allowed, provided the claimant is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn