

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

BAJRAMA MUHAREMOVIC
1045 W 6TH ST
WATERLOO IA 50702

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

ZIJO SUCESKA
INTERPRETER
4341 FRANKLIN
DES MOINES IA 50310

Appeal Number: 04A-UI-07842-S2T
OC: 07/11/04 R: 03
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Bajrama Muharemovic (claimant) appealed a representative's July 16, 2004 decision (reference 02) that concluded she was not eligible to receive unemployment insurance benefits because she was not available while attending school. After hearing notices were mailed to the claimant's last-known addresses of record, a telephone hearing was held on August 23, 2004. The claimant participated personally through Zijo Suceska, Interpreter.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant applied for unemployment insurance benefits with an effective date of July 11, 2004. At the time she applied she indicated that she did not wish to look for work while she was enrolled in school. The claimant is attending Hawkeye Community College and studying English. She attends class from 9:30 to 11:30 a.m. and 6:30 to 8:30 p.m. four days per week. The claimant received the decision indicating she was not eligible to receive unemployment insurance benefits shortly after July 16, 2004. In order to receive unemployment insurance benefits she has decided to look for work while attending school.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant was able and available for work. For the following reasons the administrative law judge concludes she is not.

871 IAC 24.23(5) provides:

(5) Full-time students devoting the major portion of their time and efforts to their studies are deemed to have no reasonable expectancy of securing employment except if the students are available to the same degree and to the same extent as they accrued wage credits they will meet the eligibility requirements of the law.

When an employee is devoting the major portion of her time and efforts to her studies is considered to be unavailable for work. The claimant was devoting her time and efforts to her studies at Hawkeye Community College. She is considered to be unavailable for work. The claimant is disqualified from receiving unemployment insurance benefits due to her unavailability for work.

The claimant should register and report any change in her status to her local Workforce Development Center. The local center can determine if the claimant has become available for work due to her change in status.

DECISION:

The representative's July 16, 2004 decision (reference 02) is affirmed. The claimant is disqualified from receiving unemployment insurance benefits because she is not available for work.

bas/kjf