

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

CHRISTINE A JUMA
Claimant

ST LUKES METHODIST HOSPITAL
Employer

APPEAL 14A-UI-10945-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 09/14/14
Claimant: Appellant (1)**

Iowa Code § 96.4(3) – Able and Available

STATEMENT OF THE CASE:

The claimant filed an appeal from the October 14, 2014, (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on November 10, 2014. Claimant participated. Employer did not participate.

ISSUE:

Is the claimant able to and available for work?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as a pharmacy technician until she decided to attend school in order to improve her financial situation. The claimant is still employed but is only working part-time so that she can attend school. The wages in the claimant's base period were earned by her working full-time. It was her choice not to continue working full time but to instead work part time so that she could attend school.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant is not 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".

Iowa Admin. Code r. 871-24.23(5), (16) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(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.

(16) Where availability for work is unduly limited because a claimant is not willing to work during the hours in which suitable work for the claimant is available.

The claimant's decision to attend school is admirable. However, she was working full time prior to starting school in August 2014 and all of the wages in her base period are from full-time work. She could have continued to work full time but chose not to do so to attend school. The claimant is not working all hours that are available to her as she could be working full time. Under these circumstances the claimant is not able to and available for work. Accordingly, benefits are denied.

DECISION:

The October 14, 2014 (reference 01) decision is affirmed. The claimant is not able to work and available for work effective September 14, 2014. Benefits are denied.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/pjs