

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

CHRISSIE M PLUEMER
3231 GETTY TERRACE
DUBUQUE IA 52001

DUBUQUE COMMUNITY “Y”
35 N BOOTH ST
DUBUQUE IA 52001-7332

Appeal Number: 04A-UI-02942-CT
OC: 02/01/04 R: 04
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:

Chrissie Pluemer filed an appeal from a representative's decision dated March 9, 2004, reference 05, which denied benefits on a finding that she did not satisfy the availability requirements of the law effective February 1, 2004. After due notice was issued, a hearing was held by telephone on April 6, 2004. Ms. Pluemer participated personally. The employer participated by Toby Wisecup, Executive Director, and Patricia Emerson, Director of Child Care.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Ms. Pluemer began working for Dubuque Community “Y” in

August of 1999. She was a full-time student and was hired to work part time as a child care provider. Prior to January of 2004, Ms. Pluemer had been working three days per week while attending school and more days during summer months. Due to her school schedule, she was only available to work Tuesdays and Thursdays beginning in January of 2004. Because of her limited availability, the employer placed Ms. Pluemer on the substitute list.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Pluemer satisfied the availability requirements of Iowa Code Section 96.4(3) as of the effective date of her claim for job insurance benefits, February 1, 2004. A full-time student must be available to the same extent as she accrued wage credits during the base period of the claim. See 871 IAC 24.23(5). Ms. Pluemer had been working at least three days per week for the employer but is currently only available to work two days per week. Therefore, she is not available to the same extent as she had previously been working for the employer. As such, she does not satisfy the availability requirements of the law. Accordingly, benefits are denied.

DECISION:

The representative's decision dated March 9, 2004, reference 05, is hereby affirmed. Ms. Pluemer did not satisfy the availability requirements of the law effective February 1, 2004 and is disqualified from receiving benefits until such time as she is again available for work within the meaning of the law.

cfc/b