

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MATTHEW P WOLRAB
Claimant

APPEAL NO. 11A-UI-09436-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

MOUNT MERCY UNIVERSITY
Employer

OC: 07/18/10
Claimant: Appellant (1)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Matthew Wolrab (claimant) appealed a representative's July 14, 2011 decision (reference 03) that concluded he was not eligible to receive unemployment insurance benefits because he was still employed with Mount Mercy University (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for August 9, 2011. The claimant participated personally. The employer participated by Connie Albaugh, Payroll Manager; Deb O'Hara, Operations Supervisor; and Vicky Smith, Director of Human Resources.

ISSUE:

The issue is whether the claimant is disqualified for being unavailable for work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on May 24, 2011, as a part-time summer worker who consistently worked twelve to fifteen hours per week. The claimant was offered full-time work but refused because he is a full-time student and has to provide childcare for his four-year-old. The claimant continues to work in the same manner as he did when he was hired.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes the claimant is not available for work.

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.

871 IAC 24.23(8) provides:

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

(8) Where availability for work is unduly limited because of not having made adequate arrangements for child care.

When an employee is a full-time student or spending working hours caring for children, he is considered to be unavailable for work. The claimant was devoting his time and efforts to caring for a child and being a full-time student. He is considered to be unavailable for work. The claimant is disqualified from receiving unemployment insurance benefits due to his unavailability for work.

DECISION:

The representative's July 14, 2011 decision (reference 03) is affirmed. The claimant is disqualified from receiving unemployment insurance benefits because he is not available for work.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs