

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARY B CASSIDY
Claimant

APPEAL NO. 10A-UI-03447-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

DES MOINES IND COMMUNITY SCH DIST
Employer

OC: 11/29/09
Claimant: Appellant (1)

Section 96.4-3 - Able to and Available for Work

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated February 23, 2010, reference 03, that concluded she was not eligible for unemployment benefits because her employment was on call. A telephone hearing was held on April 15, 2010. The parties were properly notified about the hearing. The claimant participated in the hearing. Kathy McKay participated in the hearing on behalf of the employer.

ISSUE:

Is the claimant ineligible for unemployment benefits because her claim is based solely on on-call work?

FINDINGS OF FACT:

The claimant filed a claim for unemployment insurance benefits with an effective date of November 29, 2009. The claim was based on her wages paid from July 1, 2008, to June 30, 2009.

The wages credits during the claimant's base period consist exclusively of wages earned from on-call work as a substitute teacher for the employer and the Carlisle Community School District. Although the claimant performed some short-term work for the United States Census Bureau, those wages were not included in her base.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is able to work, available for work, and earnestly and actively seeking work as required by the unemployment insurance law in Iowa Code § 96.4-3.

Under the unemployment insurance rules, persons whose wage credits in their base period consist exclusively of wages earned from on-call work, "such as a banquet worker, railway worker, substitute teacher, or any other individual whose work is solely on call" is not considered unemployed under the law. 871 IAC 24(2)i(3).

Based on this rule, the claimant is not eligible for unemployment insurance benefits effective November 29, 2009.

DECISION:

The unemployment insurance decision dated February 23, 2010, reference 03, is affirmed. The claimant is ineligible for unemployment insurance benefits.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css