

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DANIELLE M HARRISON
Claimant

APPEAL NO. 10A-UI-12303-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

REMEDY INTELLIGEN STAFFING INC
Employer

**OC: 07/11/10
Claimant: Appellant (1)**

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated August 31, 2010, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on October 19, 2010. Claimant participated. Employer participated by Sadie Garland. The record consists of the testimony of Danielle Harrison and the testimony of Sadie Garland.

ISSUE:

Whether the claimant is able and available for work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The employer is a temporary employment agency. The claimant accepted an assignment at Worley Warehousing, which began on December 11, 2009. The claimant worked full-time hours because she was in a lead position. The claimant's assignment ended on August 26, 2010, at the request of Worley Warehousing. The claimant is a full-time student and is only available for temporary assignments on Monday, Tuesday and Thursday. She was previously available for assignments at any time.

REASONING AND CONCLUSIONS OF LAW:

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.

The evidence in this case established that the claimant is a full-time student and is devoting the majority of her time and efforts to her studies. The claimant started her studies on August 25, 2010. Before then she was available for full-time hours and worked full time hours since she was a lead person. The claimant is not available for full-time hours at the present time. She is not, therefore, able and available for work. Benefits are denied.

DECISION:

The decision of the representative dated August 31, 2010, reference 01, is affirmed. The claimant is not able and available for work since she is a full-time student.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/pjs