

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ALYSSA A AYERSMAN
Claimant

DES MOINES IND COMMUNITY SCH DIST
Employer

APPEAL NO. 20A-UI-08301-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/24/20
Claimant: Appellant (1)

Iowa Code § 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated July 9, 2020 reference 02, which held claimant not able and available for work for the week of May 24-May 30, 2020. After due notice, a hearing was scheduled for and held on August 26, 2020. Claimant participated personally. Employer participated by Rhona Wagoner and Bobbie Jo Sheridan.

ISSUE:

The issue in this matter is whether claimant is able and available for work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant works for employer through Metro Kids. Claimant was hired to work the 2019-2020 school year. Employer ended school on or around March 26, 2020. Employer continued to pay claimant and all other employees until May 29, 2020.

Claimant was denied unemployment benefits for the week of May 24-20, 2020 as claimant was still receiving pay from employer. As she was still receiving pay, claimant was found not able and available for work and therefore denied benefits.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.4(3) provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

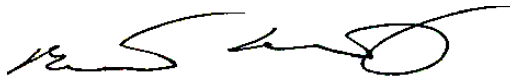
3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph (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".

Inasmuch as claimant was still receiving pay in the same manner that she'd received throughout the school year, claimant is not able and available for work for the week of May 24-30, 2020.

DECISION:

The decision of the representative dated July 9, 2020, reference 02 is affirmed. Claimant is not eligible to receive unemployment insurance benefits for the week of May 24-30, 2020.



Blair A. Bennett
Administrative Law Judge

August 27, 2020
Decision Dated and Mailed

bab/scn