

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KAREN R JOHNSON**  
Claimant

**APPEAL NO. 09A-UI-15272-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CLINTON COMMUNITY SCHOOL DIST**  
Employer

**Original Claim: 08/30/09  
Claimant: Appellant (1)**

Section 96.4(3) – Able and Available

**STATEMENT OF THE CASE:**

Karen Johnson filed an appeal from a representative's decision dated October 6, 2009, reference 01, which denied benefits effective August 30, 2009 on a finding that she was not available for work within the meaning of the law. After due notice was issued, a hearing was held by telephone on November 16, 2009. The employer participated by Jess Terrell, Human Resources Director. Ms. Johnson did not respond to the notice of hearing.

**ISSUE:**

At issue in this matter is whether Ms. Johnson is available for work within the meaning of the law.

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Johnson began working for the Clinton Community School District on November 12, 2004 as a substitute school teacher. She last performed services during the 2008 through 2009 school year. The employer has offered her assignments during the current school year, but none have been accepted. According to her appeal letter, Ms. Johnson accepted full-time employment elsewhere on or about October 6, 2009. She has not claimed job insurance benefits since the week ending October 3, 2009. The employer acknowledged during the hearing that Ms. Johnson called at some point and resigned but could not give a specific date.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this matter is whether Ms. Johnson satisfied the availability requirements of the law after filing her claim for job insurance benefits effective August 30, 2009. In order to receive job insurance benefits, an individual must be able to and available for work. Iowa Code section 96.4(3). Ms. Johnson had the burden of proving that she satisfied the requirements of section 96.4(3). Davoren v. Iowa Employment Security Commission, 277 N.W.2d 602 (Iowa 1979).

Ms. Johnson declined substitute teaching assignments with this employer during the current school year that began August 15, 2009. The fact that she declined work raises the question of whether she remained available for work. She did not participate in the hearing to provide testimony concerning her availability. As such, it must be concluded that she failed to satisfy her burden of proof. Accordingly, benefits are denied effective August 30, 2009.

**DECISION:**

The representative's decision dated October 6, 2009, reference 01, is hereby affirmed. Ms. Johnson has failed to establish that she was available for work within the meaning of the law effective August 30, 2009. Benefits are withheld until such time as she provides proof to her local Workforce Development office that she is available for work, provided she is otherwise eligible for benefits.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/kjw