

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KATIE M SNOW**

Claimant

**APPEAL NO. 10A-UI-06997-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ADVANCE SERVICES INC**

Employer

**OC: 01/10/10**

**Claimant: Appellant (4)**

Section 96.4-3 - Able to and Available for Work

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated May 6, 2010, reference 02, that concluded she was not available for work. A telephone hearing was held on July 1, 2010. The parties were properly notified about the hearing. The claimant participated in the hearing with her representative, Karin Ziegler, attorney at law. Scott McKenzie participated in the hearing on behalf of the employer. Exhibit One was admitted into evidence at the hearing.

**ISSUE:**

Was the claimant able to and available for work?

**FINDINGS OF FACT:**

The claimant filed a new claim for unemployment insurance benefits with an effective date of January 10, 2010. She was not able to work or available for work due to medical reasons from January 10 to February 8, 2010. She notified the employer that she was released to return to work and informed the employer of her school schedule. She was told that she would be contacted if there were work available, but she has not been contacted about another job.

The claimant attended classes at Des Moines Area Community College for the spring term, which ended May 13. The claimant was available for work after 2:00 p.m. each day. She is currently taking summer school classes, which started on May 16 and will finish at the end of July 2010. She currently has class from 11:15 a.m. to 12:40 p.m., Monday to Thursday, and an evening class from 6:00 to 9:00 p.m. on Tuesday.

The claimant has been actively looking for full-time work. If offered full-time work that conflicted with her classes and the employer could not accommodate her school schedule, she would consider quitting school to accept the job.

**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 section 96.4-3.

She was not able to work or available for work due to medical reasons from January 10 to February 8, 2010. She is ineligible for benefits through February 6.

Effective February 7, 2010, the claimant is eligible for benefits. Although she is attending school, her school attendance has not caused her to be unavailable for work.

**DECISION:**

The unemployment insurance decision dated May 6, 2010, reference 02, is modified in favor of the claimant. She is ineligible for benefits through February 6. Effective February 7, 2010, the claimant is eligible for benefits.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/pjs