

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

INES ZUBCEVIC

Claimant

APPEAL NO. 08A-UI-08570-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

GUARDSMARK LLC

Employer

**OC: 01/27/08 R: 02
Claimant: Appellant (4)**

Section 96.4-3 - Able to and Available for Work

STATEMENT OF THE CASE:

Ines Zubcevic appealed an unemployment insurance decision dated September 22, 2008, reference 04, that concluded she was unavailable for work effective July 6, 2008. A telephone hearing was held on October 9, 2008. The parties were properly notified about the hearing. Zubcevic participated in the hearing. Steve Armstrong participated in the hearing on behalf of the employer.

ISSUE:

Was Ines Zubcevic able to and available for work?

FINDINGS OF FACT:

Ines Zubcevic filed a new claim for unemployment insurance benefits with an effective date of January 22, 2008, because she was laid off her full-time job.

Zubcevic worked part time for the employer about 16 hours per week as a security guard from September 25, 2007, to the end of June 2008. Because she was working part time, she filed for partial unemployment insurance benefits and reported her wages earned with the employer each week.

Zubcevic requested and was granted a leave of absence from the end of June to August 17, 2008, to travel out of the country to visit her father, who was ill.

Zubcevic returned to work as scheduled on August 17, 2008, and has continued to work weekends 16 hours per week for the employer as she had before her leave of absence.

Zubcevic was notified that she was eligible for emergency unemployment compensation because she had exhausted all the benefits she was entitled to on her claim before she went on her leave. She contacted her local Workforce Development Center regarding emergency unemployment compensation on August 18. She told the representative about her leave of absence, but the representative mistakenly made her claim effective July 6, 2008, and entered weekly claims for her for the weeks between July 6 and August 18, 2008. Zubcevic also filed a

claim for benefits for the week ending August 23, 2008, and properly reported her wages for that week. Zubcevic did not intend to file claims for the period of time she was on leave.

REASONING AND CONCLUSIONS OF LAW:

I realize Zubcevic never intended to file claims for the period of time she was on leave. She agrees that she is not eligible for benefits because she was not available for work. The representative mistakenly made the claim effective July 6, 2008, which caused the problem here. Nevertheless, I need to make a decision on her appeal. Zubcevic was not available for work as required by the unemployment insurance law in Iowa Code § 96.4-3 from July 6 to August 16, 2008. After August 16, she was again available for work as demonstrated by the fact that she returned to her part-time weekend job on August 17. She would be eligible for benefits reduced by her wages for that week.

DECISION:

The unemployment insurance decision dated September 22, 2008, reference 04, is modified in favor of Ines Zubcevic. While she was not eligible for benefits from July 6 through August 16, 2008, she was eligible for partial benefits effective August 17, 2008. Her claim should be unlocked for the week ending August 23, 2008, and thereafter.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/kjw