

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHELLE L TUCKER
Claimant

APPEAL NO. 16A-UI-13431-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**WATERLOO COMMUNITY SCHOOL
DISTRICT**
Employer

**OC: 11/20/16
Claimant: Respondent (2)**

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Waterloo Community School District (employer) appealed a representative's December 15, 2016, decision (reference 01) that concluded Michelle Tucker (claimant) was eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for January 11, 2017. The claimant participated personally. The employer participated by Mickey Waschkat, Human Resource Specialist.

ISSUE:

Whether the claimant is partially unemployed and the employer is relieved of benefit charges.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on August 19, 2009, as a full-time special education para-educator. She also worked part-time for Waterloo Home Corporation. She earned from \$400.00 to \$800.00 per month at her part-time job. On or about November 3, 2016, the claimant found another part-time job at the Legion working three to five days per month. Waterloo Home Corporation ceased doing business and the claimant filed for unemployment insurance benefits with an effective date of November 20, 2016. The claimant reported her wages each week. The claimant's wages exceeded her weekly benefit amount each week. Therefore, she did not receive any unemployment insurance benefits.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant is still employed at the same hours and wages as of November 20, 2016.

Iowa Admin. Code r. 871-24.23(23) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(23) The claimant's availability for other work is unduly limited because such claimant is working to such a degree that removes the claimant from the labor market.

The claimant was working full-time for the employer as of November 20, 2016. The administrative law judge understands that the claimant depended on her part-time job to supplement her full-time wages. The law considers a full-time worker unavailable for work because the worker already has a full-time job. The claimant is disqualified from receiving unemployment insurance benefits because she was not available for other work on November 20, 2016.

DECISION:

The representative's December 15, 2016, decision (reference 01) is reversed. The claimant is disqualified from receiving unemployment insurance benefits because she is fully employed.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/rvs