

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DEBRAH A WADDELL**  
Claimant

**APPEAL NO. 11A-EUCU-00615-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SIOUX CITY COMMUNITY SCHOOL DIST**  
Employer

**OC: 05/30/10**  
**Claimant: Appellant (2)**

Section 96.4-3 - Able to and Available for Work

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated July 21, 2011, reference 03, that concluded she was not able to and available for work. A telephone hearing was held on August 19, 2011. The parties were properly notified about the hearing. The claimant participated in the hearing. Fidencia Gonzalez participated in the hearing on behalf of the employer. Official notice is taken of the Agency's records regarding the claimant's unemployment insurance claim, which show the employer was not a chargeable employer on her claim filed May 30, 2010, and has also found exempt from charge for the claim filed May 29, 2011. If a party objects to taking official notice of these facts, the objection must be submitted in writing no later than seven days after the date of this decision.

**ISSUE:**

Was the claimant able to and available for work?

**FINDINGS OF FACT:**

The claimant filed a new claim for unemployment insurance benefits effective May 30, 2010, because she was laid off over the summer from her primary job as a Head Start aide for Community Action Agency. Her job with Head Start ended in September 2010.

The claimant has also worked on and off in a substitute teacher's aide position for the employer for several years. The position is an on-call, as-needed job. The claimant worked a couple of days in December 2010 and worked twice for the employer in 2011—once during the week ending January 15 and once during the week ending March 5, 2011.

Since losing her primary job, the claimant has been available for work and actively seeking a full-time, suitable job with no restrictions on her availability for work.

The employer was not a base period employer on the claim filed in May 2010 and therefore was not chargeable. The claimant filed for benefits again effective May 29, 2011. Final determinations have been already been made that the employer's account is not chargeable for benefits paid to the claim.

**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 § 96.4-3. The preponderance of the evidence establishes the claimant is available for work and has not restricted her availability. I believe the claimant's testimony that she tried her best to get registered to receive substitute calls from the employer, but it really is beside the point. The job was extremely part-time, on-call employment that the claimant would not be disqualified for declining.

The employer shall not be charged for benefits paid to the claimant based on prior determinations.

**DECISION:**

The unemployment insurance decision dated July 21, 2011, reference 03, is reversed. The claimant is qualified to receive unemployment insurance benefits effective February 12, 2011, and afterward, if she is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/kjw