

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**PHYLLIS A GERMAN**  
Claimant

**APPEAL NO. 14A-UI-02093-VST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CEDAR RAPIDS COMM SCHOOL DIST**  
Employer

**OC: 01/05/13**  
**Claimant: Appellant (1)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

The claimant filed an appeal from a representative's decision dated February 10, 2014, reference 01, which held that the claimant was ineligible for unemployment insurance benefits. After due notice, a hearing was held on March 7, 2014, by telephone conference call. The claimant participated personally. Employer participated by Anthony Spurgetis, Human Resources Specialist. The record consists of the testimony of Phyllis German and the testimony of Anthony Spurgetis.

**ISSUE:**

Whether the claimant is still employed at the same hours and wages.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The employer is a school district in the state of Iowa. The claimant was hired on September 28, 2004, as a part-time crossing guard. She works 15 hours per week. She is still employed by the employer. There has been no reduction in the number of hours that she works per week.

**REASONING AND CONCLUSIONS OF LAW:**

871 IAC 24.23(26) provides:

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

(26) Where a claimant is still employed in a part-time job at the same hours and wages as contemplated in the original contract for hire and is not working on a reduced workweek basis different from the contract for hire, such claimant cannot be considered partially unemployed.

The claimant is not eligible for unemployment insurance benefits. She is a part-time employee and is still employed at the same hours and wages as contemplated in the original contract of hire. Under these circumstances, she is not considered as able available for work pursuant to Iowa law. Benefits are denied.

**DECISION:**

The decision of the representative dated February 10, 2014, reference 01, is affirmed. Unemployment insurance benefits are denied as of January 5, 2014.

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Vicki L. Seeck  
Administrative Law Judge

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Decision Dated and Mailed

vls/css