

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**HEIDI J CATES**

Claimant

**APPEAL NO. 12A-UI-07985-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**FORT MADISON**

**COMMUNITY SCHOOL DISTRICT**

Employer

**OC: 06/03/12**

**Claimant: Appellant (1)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Heidi Cates (claimant) appealed a representative's June 22, 2012 decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits because she was still employed in her on-call job with Fort Madison Community School District (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 25, 2012. The claimant participated personally. The employer participated by Cindy Macomber, payroll administrator.

**ISSUE:**

The issue is whether the claimant is not eligible to receive unemployment insurance benefits for being unavailable for work.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant was hired September 2007, as an on-call substitute teacher. She consistently worked the hours that were provided by the employer when hours were available. The claimant filed for unemployment insurance benefits on June 3, 2012.

**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 was hired as an on-call worker and was still working on call for the employer when she filed for unemployment insurance benefits. On June 3, 2012, she was still employed in an on-call position as was agreed to at the time she was hired. The claimant is not eligible to receive unemployment insurance benefits.

**DECISION:**

The representative's June 22, 2012 decision (reference 01) is affirmed. The claimant is not eligible to receive unemployment insurance benefits.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/kjw