

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DANIELLE L PLINE
Claimant

APPEAL NO. 07A-UI-01987-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

DUBUQUE COMMUNITY SCHOOL DIST
Employer

**OC: 11/26/06 R: 12
Claimant: Respondent (2)**

871 IAC 23.43(9) – Combined Wage Claim

STATEMENT OF THE CASE:

Dubuque Community School District (employer) appealed a representative's February 19, 2007 decision (reference 03) that concluded its account would not be relieved of charges in conjunction with a combined wage claim regarding Danielle L. Pline (claimant).. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on March 12, 2007. The claimant participated in the hearing. Amy VanderMeulen appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Can the employer's Iowa account be relieved from charge for benefits paid to the claimant?

FINDINGS OF FACT:

The claimant started working for the employer on September 27, 2005. She worked as a substitute teacher in the employer's school system. She had been in the area education agency (AEA) "subfinder" system utilized by the employer which randomly calls persons who have chosen to participate in the system and offers them substitute positions. In the fourth quarter 2005 she worked 17.92 days. Her last day of work was in January 2006. She had worked 9.17 hours in January. She did not work for the employer after January because she moved out of the area and had asked to be removed from the AEA's subfinder system.

The claimant established an unemployment insurance benefit year effective November 26, 2006 in the state of Illinois.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether the employer should be relieved of charges for benefits paid to the claimant by the state of Illinois. On a combined wage claim, an Iowa employer would only be relieved of charges if the facts would support a relief of charges under Iowa law. 871 IAC 23.43(9). Because she was not able and available for work with the employer when

she filed her claim to the same extent as she had been during her employment, she would not be eligible for benefits based upon her wages from the employer at least until or unless she had requalified. Accordingly, benefits would be denied or reduced pursuant to Iowa Code § 96.4-3, which disqualifies an individual from receiving benefits if the individual is available to work her same hours and wages. Under Iowa law, an Iowa employer would not be liable for benefits if an individual is ineligible to receive such benefits based on her failure to meet the qualifications established by Workforce Development. For the reasons stated herein, the administrative law judge concludes that the employer should be relieved of charges for benefits paid to the claimant.

DECISION:

The representative's February 19, 2007 decision (reference 03) is reversed. The employer is relieved of charges for benefits paid to the claimant as the employer would not be liable for charges had the claimant filed an Iowa claim.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/css