

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

NORMA K GERSTKAMP SANCHEZ
Claimant

APPEAL NO. 13A-UI-14257-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**NORTHEAST IOWA COMMUNITY
COLLEGE**
Employer

**OC: 11/11/12
Claimant: Appellant (1)**

Section 96.4(3)a – Able and Available

STATEMENT OF THE CASE:

The claimant, Norma Gerstkamp-Sanchez, filed an appeal from a decision dated December 20, 2013, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on January 22, 2014. The claimant participated on her own behalf. The employer, Northeast Iowa Community College (NICC), participated by Executive Director or Human Resources Julie Huiskamp.

ISSUE:

The issue is whether the claimant is able and available for work.

FINDINGS OF FACT:

Norma Gerstkamp-Sanchez filed a claim for unemployment benefits with an effective date of November 11, 2012, when she was separated from her job at Quad Graphics. She obtained her current job with NICC on April 2, 2013, as a full-time administrative assistant.

Ms. Gerstkamp-Sanchez filed for EUC benefits effective July 14, 2013, even though she remained employed full time. She filed another benefit year effective November 10, 2013, at which time she was found ineligible because she was working full time.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.4-3 provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements

of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

871 IAC 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 has been working full time, 40 hours per week, since April 2, 2013. She is therefore not eligible for benefits as she is working sufficient hours to be considered employer and is not available in the labor market generally.

DECISION:

The unemployment insurance decision dated December 20, 2013, reference 01, is affirmed. Normal Gerstkamp-Sanchez is ineligible for benefits as she is not able and available for work.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css