

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JESSICA A BAKER**  
Claimant

**APPEAL NO. 13A-UI-07965-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HEARTLAND EMPLOYMENT SERVICES**  
Employer

**OC: 06/02/13**  
**Claimant: Appellant (1)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Jessica Baker (claimant) appealed a representative's June 27, 2013 decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits because she was not willing to work during the times when work in her occupation is often done with Heartland Employment Services (employer). After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was scheduled to be held on September 3, 2013. Neither the claimant nor the employer provided telephone numbers where they could be reached.

**ISSUE:**

The issue is whether the claimant was available for work.

**FINDINGS OF FACT:**

The administrative law judge, having considered all of the evidence in the record, finds that: The claimant began working for the employer on September 1, 2009. She was originally as a full-time certified nursing assistant. In November 2012, the claimant decided to become a full-time student. In January 2013, the employer granted the claimant's request to become a part-time worker. The claimant wanted to work every other weekend. In May 2013, the employer granted the claimant's request to work PRN status, on an as-needed basis. At that point the claimant was required by her school to do clinical on the weekends. She told the employer she could work during the day between 6:00 a.m. and 2:00 p.m. Starting on July 1, 2013, the claimant is available to work week days

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes the claimant is not available for work.

871 IAC 24.23(5) provides:

- (5) Full-time students devoting the major portion of their time and efforts to their studies are deemed to have no reasonable expectancy of securing employment except if the

students are available to the same degree and to the same extent as they accrued wage credits they will meet the eligibility requirements of the law.

871 IAC 24.23(17) provides:

(17) Work is unduly limited because the claimant is not willing to work the number of hours required to work in the claimant's occupation.

When an employee is a full-time student or when she limits her hours, she is considered to be unavailable for work. The claimant is a full-time student and she limited her hours of work. She is considered to be unavailable for work after November 12, 2012. The claimant is disqualified from receiving unemployment insurance benefits beginning on her effective date, June 2, 2013, due to her unavailability for work.

**DECISION:**

The representative's June 27, 2013 decision (reference 01) is affirmed. The claimant is disqualified from receiving unemployment insurance benefits because she is not available for work with the employer.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

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