

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DANIELLE F JAEGER**  
Claimant

**APPEAL NO. 14A-UI-01287-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SC DATA CENTER INC**  
Employer

**OC: 01/05/14**  
**Claimant: Respondent (2)**

Section 96.4(3) – Able and Available

**STATEMENT OF THE CASE:**

The employer, January, filed an appeal from a decision dated January 27, 2014, reference 03. The decision allowed benefits to the claimant, Danielle Jaeger. After due notice was issued a hearing was held by telephone conference call on February 26, 2014. The claimant did not provide a telephone number where she could be contacted and did not participate. The employer participated by Human Resources Coordinator Sarah Anderson.

**ISSUE:**

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

**FINDINGS OF FACT:**

Danielle Jaeger was employed by SC Data Center beginning October 7, 2013. She is a part-time customer service representative (CSR) scheduled week to week depending on the call volume and the needs of the employer. There is no guarantee of a specific number of hours per week.

Ms. Jaeger filed a claim for unemployment benefits with an effective date of January 5, 2014. During that week she was scheduled for 4.5 hours but called in absent on the day she was to work. The second week she was scheduled nine hours but called in absent due to school. The next week she was scheduled 20 hours but called in absent two days, one for personal business and one for school.

The records of Iowa Workforce Development indicate no benefits have been paid to the claimant as of the date of the hearing.

**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(29) provides:

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

(29) Failure to work the major portion of the scheduled workweek for the claimant's regular employer.

The claimant failed to work the majority of her scheduled hours for the employer during the weeks in which she filed for benefits. Under the provisions of the above Administrative Code section, she is not able and available for work and benefits are denied.

**DECISION:**

The unemployment insurance decision dated January 27, 2014, reference 03, is reversed. Danielle Jaeger is not eligible for unemployment benefits as she was not available to her regular employer for her scheduled hours.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/pjs