

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**JEANITA A HARRIS
3018 GROVE ST
DAVENPORT IA 52804**

**RIVERSIDE STAFFING SERVICES INC
% TALX UC EXPRESS
PO BOX 283
ST LOUIS MO 63166-0283**

**RIVERSIDE STAFFING SERVICES INC
% TALK UC EXPRESS
PO BOX 66864
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**Appeal Number: 04A-UI-05512-CT
OC: 05/25/03 R: 04
Claimant: Respondent (3)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

Riverside Staffing Services, Inc. (Riverside) filed an appeal from a representative's decision dated May 5, 2004, reference 02, which held that Jeanita Harris satisfied the availability requirements of the law but that Riverside would not be relieved of benefit charges. After due notice was issued, a hearing was held by telephone on June 16, 2004. Ms. Harris participated personally. The employer participated by Karrie Minch, Senior Staff Consultant.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Ms. Harris began working for Riverside, a temporary placement service, on March 10, 2004 and was assigned to work for Quint Cities Stone Center. She was considered a part-time employee and worked from 20 to 28 hours each week. Ms. Harris would have been available to work full-time hours if full-time work had been available through Riverside. She became separated from Riverside when Quint Cities Stone Center offered her regular, full-time employment, which she began on May 20, 2004.

Ms. Harris filed her claim for job insurance benefits effective May 25, 2003. The base period of her claim consists of all four-calendar quarters of 2002. She filed an additional claim effective March 28, 2004.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Harris was entitled to job insurance benefits on her additional claim filed effective March 28, 2004. She was partially unemployed at that point as Riverside only provided her with part-time employment. Inasmuch as she continued to be available for full-time work, the administrative law judge concludes that she was available for work within the meaning of Iowa Code Section 96.4(3).

Riverside was not a base period employer on Ms. Harris' claim filed effective May 25, 2003. As such, they are not liable for benefit charges on the claim. Ms. Harris became separated from Riverside on May 20, 2004. The employer has been relieved of charges in Appeal 04A-UI-05513-CT. As such, Riverside will not receive charges for any benefits paid to Ms. Harris based on her employment with the company.

DECISION:

The representative's decision dated May 5, 2004, reference 02, is hereby modified. Ms. Harris satisfied the availability requirements of the law effective March 28, 2004. Benefits are allowed, provided she satisfies all other conditions of eligibility, but shall not be charged to Riverside as it is not a base period employer.

cfc/kjf