

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ERICKSON J FENTON**  
Claimant

**APPEAL NO. 15A-UI-00070-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CUSTOM-PAK INC – LP2**  
Employer

**OC: 12/14/14**  
**Claimant: Respondent (1)**

871 IAC 24.1(113)a – Separations From Employment  
Section 96.5-1 – Voluntary Leaving – Layoff  
Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Custom-Pak (employer) appealed a representative's December 30, 2014 (reference 02) decision that concluded Erickson Fenton (claimant) was eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for January 28, 2015. The claimant participated personally. The employer participated by Vicki Rixen, Human Resources Coordinator.

**ISSUE:**

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

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on November 17, 2014 as a full-time manufacturing team member. The employer laid the claimant off for lack of work for the two-week period ending January 4, 2015.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant was able and available for work for the two-week period ending January 4, 2015.

Iowa Code § 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".

There was no evidence that there were any restriction or limitation on employability. Accordingly, benefits are allowed.

**DECISION:**

The representative's December 30, 2014 (reference 02) decision is affirmed. The claimant is able and available for work for the two-week period ending January 4, 2015.

---

Beth A. Scheetz  
Administrative Law Judge

---

Decision Dated and Mailed

bas/can