

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LARANDA L KLINGENBERG
Claimant

APPEAL NO. 08A-UI-08406-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**AVENTURE STAFFING & PROFESSIONAL
SERVICES**
Employer

**OC: 04/06/08 R: 01
Claimant: Respondent (1)**

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Aventure Staffing & Professional (employer) appealed a representative's September 15, 2008 decision (reference 01) that concluded Laranda Klingenberg (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 October 7, 2008. The claimant participated personally. The employer participated by Robert Hardy, Human Resource Assistant.

ISSUE:

The issue is whether the claimant was eligible to receive unemployment insurance benefits.

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 May 12, 2008, as a full-time temporary laborer assigned to work for Dickenson County. The claimant was laid off for lack of work for two weeks on August 17, 2008. He was available for work and returned to work after the layoff. The employer thought he was hired by a relative company. The claimant had never heard of the sister company.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant was able and available for work during his layoff.

871 IAC 24.23(26) provides:

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

(26) Where a claimant is still employed in a part-time job at the same hours and wages as contemplated in the original contract for hire and is not working on a reduced workweek basis different from the contract for hire, such claimant cannot be considered partially unemployed.

The claimant was hired as a temporary worker and is still working in that capacity for the employer. The claimant is not disqualified from receiving unemployment insurance benefits because he was available for work during his layoff.

DECISION:

The representative's September 15, 2008 decision (reference 01) is affirmed. The claimant is not disqualified from receiving unemployment insurance benefits because he was available for work during his layoff

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css