

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TYLER J MAHAFFEY-KERNS
Claimant

APPEAL NO. 12A-UCX-00060-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WORKSOURCE INC
Employer

OC: 06/24/12
Claimant: Respondent (1)

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

The employer, Worksource, filed an appeal from a decision dated December 7, 2012, reference 02. The decision allowed benefits to the claimant, Tyler Mahaffey-Kerns. After due notice was issued, a hearing was held by telephone conference call on January 14, 2013. The claimant did not provide a telephone number where he could be contacted and did not participate. The employer participated by Administration Deanna Keehn.

ISSUE:

The issue is whether the claimant is on a short-term layoff.

FINDINGS OF FACT:

Tyler Mahaffey-Kerns began employment with Worksource on August 13, 2012. His last assignment began October 29 and ended November 26, 2012, when the assignment ended. He contacted the employer within three working days of the end of that assignment to request more work. He has not contacted the employer since December 10, 2012.

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".

The claimant finished his last assignment in good standing and did contact the temporary agency to request more work within three days. The ending of the assignment is a short-term layoff as he subsequently indicated availability to accept more work after that. There is nothing in the record to indicate he has any restrictions which would make him unable to accept assignments in the future.

DECISION:

The representative's decision of December 7, 2012, reference 02, is affirmed. Tyler Mahaffey-Kerns is able and available for work and eligible for unemployment benefits.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/tll