

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MICHELLE R FIX**  
Claimant

**APPEAL NO: 10A-UI-09583-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CLINTON STAFFING COMPANY  
ALLSTAR STAFFING**  
Employer

**OC: 09/06/09**  
**Claimant: Respondent (1)**

Section 96.4-3 - Able and Available

**STATEMENT OF THE CASE:**

Clinton Staffing Company/Allstar Staffing (claimant) appealed a representative's June 25, 2010 decision (reference 04) that concluded Michelle R. Fix (claimant) was qualified to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 24, 2010. The claimant participated in the hearing. Beth Dever appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Was the claimant eligible for unemployment insurance benefits by being able and available for work?

**FINDINGS OF FACT:**

The employer is a temporary employment firm. The claimant's first and only assignment with the employer began on April 27, 2009. Her last day on the assignment was September 4, 2009. The assignment ended because it was completed. After the ending of the assignment, the claimant moved from Clinton to Davenport. She advised the employer that she needed to find work in the Davenport area. As the employer does not service Davenport or Quad City business clients, the claimant was made inactive. The claimant did seek and did secure employment with another employer in the Quad City area; as of early June 2010 she was laid off from her current employer with a Quad City area business, and reopened a prior unemployment insurance claim by filing an additional claim effective June 13, 2010.

**REASONING AND CONCLUSIONS OF LAW:**

With respect to any week in which unemployment insurance benefits are sought, in order to be eligible the claimant must be able to work, is available for work, and is earnestly and actively seeking work. Iowa Code § 96.4-3.

To be found able to work, "[a]n individual must be physically and mentally able to work in some gainful employment, not necessarily in the individual's customary occupation, but which is engaged in by others as a means of livelihood." Sierra v. Employment Appeal Board, 508 N.W.2d 719, 721 (Iowa 1993); Geiken v. Lutheran Home for the Aged, 468 N.W.2d 223 (Iowa 1991); 871 IAC 24.22(1). The other employment need not be in the same locality as the claimant's prior employer; moving from one locality to another after the completion of a work assignment does not automatically render a claimant "unavailable" for work overall, even if it renders the claimant unavailable for work with the prior employer. 871 IAC 24.24(7), (13). The claimant has demonstrated that she is and has been able to work in some gainful employment since the ending of her employment with the employer. Benefits are allowed, if the claimant is otherwise eligible.

**DECISION:**

The representative's June 25, 2010 decision (reference 04) is affirmed. The claimant is able to work and available for work effective June 13, 2010. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

---

Lynette A. F. Donner  
Administrative Law Judge

---

Decision Dated and Mailed

ld/css