

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JEFFRY D EASTRIDGE

Claimant

APPEAL NO. 10A-UI-17358-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MASTERSON PERSONNEL INC

Employer

OC: 11/07/10

Claimant: Appellant (4)

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

The claimant, Jeffry Eastridge, filed an appeal from a decision dated December 10, 2010, reference 01. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on February 2, 2011. The claimant participated on his own behalf. The employer, Masterson Personnel, participated by Unemployment Operations Manager Jim Robertson.

ISSUE:

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

FINDINGS OF FACT:

Jeffry Eastridge began employment with Masterson on August 22, 2010, as a temporary worker assigned to various client companies. He filed a claim for unemployment benefits with an effective date of November 7, 2010, when his assignment at Primera Foods came to an end. He accepted another assignment beginning November 17, 2010, at Aspen Hills where he worked only 10 to 15 hours per week. He reported his wages during that time. That assignment ended December 10, 2010, and three days later he was recalled to Primera Foods full time where he continues to work as of the date of the hearing.

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 is able and available for work full time beginning November 7, 2010, through December 10, 2010. During that time he was either laid off for lack of work or working only partial weeks.

As of December 13, 2010, he is working full time and is no longer eligible for benefits.

DECISION:

The representative's decision of December 10, 2010, reference 01, is modified in favor of the appellant. Jeffry Eastridge is eligible for benefits from November 7 through December 10, 2010. He is not eligible beginning December 13, 2010.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css