

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DUANE LEATHERWOOD
Claimant

APPEAL NO: 15A-UI-07226-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

RANDSTAD GENERAL PARTNER US LLC
Employer

OC: 12/14/14
Claimant: Appellant (2)

Section 96.4-3 – Able and Available for Work
Section 96.6-2 – Timeliness of Appeal

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the June 9, 2015, reference 06, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on July 29, 2015. The claimant participated in the hearing. Angie Keeler, Site Manager, participated in the hearing on behalf of the employer. Department's Exhibit D-1 was admitted into evidence.

ISSUE:

The issues are whether the claimant's appeal is timely and whether he is able and available for work.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: A disqualification decision was mailed to the claimant's last-known address of record on June 9, 2015. The claimant did not receive the decision until after June 18 or 19, 2015, because he had a fire in his apartment building and could not get to his mail until that date. He filed an appeal June 24, 2015. Due to the apartment fire, and all the attendant events and problems that created, the administrative law judge concludes the claimant's appeal is timely as he responded within a reasonable time after receiving the representative's decision.

The claimant was employed as a full-time production laborer for Randstad General Partner last assigned at Heinz from September 8, 2014 to May 4, 2015. Employees were notified March 26, 2015, that Heinz would be on a plant shutdown from April 27 through May 1, 2015. The claimant went to the employer's office to inquire about additional work but there was no work available. He was not offered, nor did he turn down, any work that week.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was able and available for work the week ending May 2, 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".

The claimant was off work the week ending May 2, 2015, because the client company where he was assigned, Heinz, was on a plant shutdown that week. Additionally, the claimant went into the employer's office to see if it had another assignment for him and did not turn down other work that week. Because the claimant was on a short-term layoff, he is considered able and available for work. Accordingly, benefits are allowed for the week ending May 2, 2015.

DECISION:

The June 9, 2015, reference 06, decision is reversed. The claimant's appeal is timely. The claimant was able and available for work the week ending May 2, 2015. Benefits are allowed, provided the claimant is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs