

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANGELA J FATTIG
Claimant

APPEAL NO. 11A-UI-06699-PT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MANPOWER INTERNATIONAL INC
Employer

OC: 02/27/11
Claimant: Appellant (2)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated May 17, 2011, reference 02, which held claimant was no longer temporarily unemployed and must seek work by contacting two employers each week. After due notice, a telephone conference hearing was scheduled for and held on June 17, 2011. Claimant participated personally with Paul Novak as a witness. Employer failed to respond to the hearing notice and did not participate.

ISSUE:

The issue in this matter is whether claimant must make job searches.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant was hired by Manpower to work at NSK on a long-term assignment. She worked at NSK from August 2010 through February 24, 2011. She was laid off temporarily and returned to NSK for four days in April or May 2011. She was called back to work on the date of the hearing to work at NSK. Every Monday during her temporary layoffs she has contacted Manpower to indicate she was available to work.

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".

Claimant has been on temporary layoff and is not required to make two employer contacts each week.

DECISION:

The decision of the representative dated May 17, 2011, reference 02, is reversed. Claimant has been on temporary layoff and is not required to make two employer contacts each week.

Ron Pohlman
Administrative Law Judge

Decision Dated and Mailed

rrp/css