

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROBERT RANKINS
Claimant

APPEAL NO. 13A-UI-12722-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

L A LEASING INC
Employer

OC: 10/13/13
Claimant: Respondent (2)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

The employer filed an appeal from a representative's decision dated November 7, 2013, reference 02, which held that the claimant was eligible for unemployment insurance benefits. After due notice, a hearing was held on December 5, 2013, by telephone conference call. The claimant failed to respond to the hearing notice and did not participate in the hearing. Enclosed with the file is a copy of the C2t hearing control sheet, which shows that the claimant did not call in a number prior to the hearing. The employer participated by James Cole, site manager. The record consists of the testimony of James Cole.

ISSUE:

Whether the claimant was able and available for work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witness and having considered all of the evidence in the record, makes the following findings of fact:

The employer is a temporary staffing agency. The claimant's first assignment for the employer was at Rock-Tenn, which is located in Iowa City, Iowa. He worked that assignment from June 7, 2013, through June 23, 2013. He quit his job due to family issue. The second assignment began on September 18, 2013, and ended on October 19, 2013. Full-time hours were available but the claimant only worked 76 hours, which is one-third of the hours that were available to the claimant. He stopped showing up for work at all after October 19, 2013, and did not contact the employer for any reason.

REASONING AND CONCLUSIONS OF LAW:

871 IAC 24.23(16) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(16) Where availability for work is unduly limited because a claimant is not willing to work during the hours in which suitable work for the claimant is available.

The claimant is not eligible for unemployment insurance benefits. The evidence showed that the claimant was not willing to work the hours in which suitable work was available for him. He is not able and available for work. Benefits are denied.

DECISION:

The decision of the representative dated November 7, 2013, reference 02, is reversed. Unemployment insurance benefits are denied as of October 13, 2013.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/pjs