

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JERRY A JORDAN**

Claimant

**APPEAL NO: 13A-UI-04644-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AVENTURE STAFFING**

Employer

**OC: 07/01/12**

**Claimant: Appellant (2)**

Section 96.4-3 - Able and Available  
871 IAC 24.1(113)a – Layoff

**STATEMENT OF THE CASE:**

Jerry A. Jordan (claimant) appealed a representative's April 11, 2013 decision (reference 03) that concluded he was not eligible to receive unemployment insurance benefits during a period of separation from employment with Aventure Staffing (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 30, 2013. The claimant participated in the hearing. Nicole Postello 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 able and available for work during a period of temporary separation from employment?

**FINDINGS OF FACT:**

The employer is a temporary employment firm. The claimant began taking assignments with the employer on June 20, 2011. He worked various periods of assignment with the employer's Victor, Iowa business client, working full time on the second shift as a machine operator/general laborer. His last day on the assignment prior to the issuance of the representative's decision was March 15, 2013. The assignment temporarily ended because the business client had no work for the claimant at the time and he was being laid off. He was recalled and returned to the assignment as of April 8. He is seeking benefits for the three weeks of the layoff, from March 17 through April 6.

The employer originally protested the claimant's claim because of a belief that the claimant had not sought additional work with the employer upon being informed of the layoff. The employer has since discovered that the claimant did check in for additional work with the employer at the time of the layoff, as well as seeking other work elsewhere.

**REASONING AND CONCLUSIONS OF LAW:**

A separation is disqualifying if it is a voluntary quit without good cause attributable to the employer or if it is a discharge for work-connected misconduct.

871 IAC 24.1(113)a provides:

Separations. All terminations of employment, generally classifiable as layoffs, quits, discharges, or other separations.

a. Layoffs. A layoff is a suspension from pay status (lasting or expected to last more than seven consecutive calendar days without pay) initiated by the employer without prejudice to the worker for such reasons as: lack of orders, model changeover, termination of seasonal or temporary employment, inventory-taking, introduction of laborsaving devices, plant breakdown, shortage of materials; including temporarily furloughed employees and employees placed on unpaid vacations.

The separation between the claimant and the employer was a layoff by the employer due to the lack of work on the part of the business client. The claimant did check in for work with the employer, but the employer also had no work it could provide to the claimant. The claimant was not declining to seek other work while waiting to be recalled by the primary business client. 871 IAC 24.23(20). Benefits are allowed if the claimant is otherwise eligible.

**DECISION:**

The representative's April 11, 2013 decision (reference 03) is reversed. The claimant was laid off from the employer as of March 15, 2013 due to a lack of work. He was able and available for work during the layoff period. Benefits are allowed, provided the claimant is otherwise eligible.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

ld/pjs