

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHEILA A CUMMINS
Claimant

APPEAL NO: 17A-UI-07486-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEAM STAFFING SOLUTIONS INC
Employer

OC: 03/12/17
Claimant: Appellant (4)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Team Staffing Solutions (employer) appealed a representative's July 21, 2017, decision (reference 02) that concluded Sheila Cummins (claimant) was eligible to receive unemployment insurance benefits as of July 2, 2017. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for August 10, 2017. The claimant participated personally. The employer participated by Sarah Fiedler, Human Resources Generalist.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The employer is a temporary agency. The claimant worked for the employer from May 17, 2017, to June 30, 2017. She was assigned to work for Siemens. Siemens told the claimant there was no work for her for the week ending July 8, 2017. The claimant talked to the employer to see if this was true. The employer confirmed the information and told the claimant they had no other work for the claimant. The claimant filed an additional claim for unemployment insurance benefits with an effective date of July 2, 2017. The claimant sought other work on her own and found full-time work at Bagcraft. On July 10, 2017, the claimant notified the employer she had taken other employment. The claimant received unemployment insurance benefits for the one week period ending July 8, 2017.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant was able and available for work for the week ending July 8, 2017.

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".

There was no evidence that there were any restriction or limitation on employability during the week ending July 8, 2017. Accordingly, benefits are allowed for the week ending July 8, 2017, only. After July 8, 2017, the claimant is fully employed and not available for other work.

DECISION:

The representative's July 21, 2017, decision (reference 02) is modified in favor of the appellant. The claimant is able and available for work for the week ending July 8, 2017, only.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/rvs