

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**DARTISHA C HENDERSON
BLDG A #7
3560 E DOUGLAS
DES MOINES IA 50317**

**USA STAFFING
LABOR WORLD OF IOWA
3921 NE 14TH ST
DES MOINES IA 50313-0000**

**Appeal Number: 05A-UI-04799-HT
OC: 04/10/05 R: 02
Claimant: Respondent (1)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

The employer, USA Staffing, filed an appeal from a decision dated April 28, 2005, reference 01. The decision allowed benefits to the claimant, Dartisha Henderson. After due notice was issued a hearing was held by telephone conference call on June 8, 2005. The claimant participated on her own behalf. The employer participated by Branch Manager Melissa Hernison.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Dartisha Henderson began working for USA Staffing

in July 2004. She was assigned to the State of Iowa and that assignment ended January 14, 2005. Ms. Henderson is still considered an employee of USA Staffing and is contacted from time to time for assignments.

REASONING AND CONCLUSIONS OF LAW:

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

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".

The claimant is still an employee of USA Staffing and is available for work in the labor market. Under the provisions of the above Code section, she is eligible for benefits.

DECISION:

The representative's decision of April 28, 2005, reference 01, is affirmed. Dartisha Henderson is qualified for benefits provided she is otherwise eligible.

bgh/tjc