

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOHN MCGONIGLE
Claimant

APPEAL NO. 13A-UI-11898-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PALMER COMPANIES INC
Employer

OC: 09/29/13
Claimant: Respondent (1)

Section 96.4-3 - Able to and Available for Work

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated October 14, 2013, reference 01, that concluded the claimant was on a short-term layoff and was available for work. A telephone hearing was held on November 4, 2013. The parties were properly notified about the hearing. The claimant participated in the hearing. Melody Carroll participated in the hearing on behalf of the employer.

ISSUE:

Was the claimant able to and available for work?

FINDINGS OF FACT:

The employer is a staffing company that provides workers to client businesses on a temporary or indefinite basis. The claimant's last work assignment was working full time at Marel Townsend Company as a welder from March 2013 to October 2, 2013.

The claimant was laid off due to a slowdown in work on October 2, 2013. The employer has not offered the claimant any additional jobs since October 2, 2013. The claimant had notified the employer about his renewing his green card, but he was given temporary work authorization pending the renewal of his green card and has always been authorized to work.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code § 96.5-1 and 96.5-2-a. The claimant was laid off due to lack of work.

The issue in this case is whether the claimant is able to work, available for work, and earnestly and actively seeking work as required by the unemployment insurance law in Iowa Code § 96.4-3. The preponderance of the evidence establishes that since he applied for benefits, the claimant had remained able to and available for work and has been actively looking for work.

DECISION:

The unemployment insurance decision dated October 14, 2013, reference 01, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css