

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**WILLIE SHORTER**  
Claimant

**APPEAL NO. 08A-UI-04901-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**EXPRESS SERVICES INC**  
Employer

**OC: 09/02/07 R: 02  
Claimant: Respondent (1)**

871 IAC 24.1(113) – Nondisqualifying Separation

**STATEMENT OF THE CASE:**

Express Services, Inc. (employer) appealed a representative's May 15, 2008 decision (reference 03) that concluded Willie Shorter (claimant) was qualified to receive benefits because the employer placed the claimant on a short-term layoff. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 5, 2008. The claimant failed to respond to the hearing notice by contacting the Appeals Section prior to the hearing and providing the phone number at which he could be contacted to participate in the hearing. As a result, no one represented the claimant. Crystal McBride, a personnel supervisor, appeared on the employer's behalf. Based on the evidence, the arguments of the employer, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Is the claimant able to and available for work if he was on a short-term layoff?

**FINDINGS OF FACT:**

The claimant started working for the employer in March 2007. The employer is a temporary employment firm. The employer assigned the claimant to a job at R.A. in November 2007. As a result of the R.A.'s workload, the claimant only worked 7.5 hours the week ending April 19, 2008. He was then laid off from this job on May 6, 2008. The employer assigned the claimant to another assignment on Monday, June 2, 2008.

The claimant reopened his claim for benefits during the week of April 13, 2008.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer, or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§ 96.5-1, 2-a. The evidence indicates the claimant worked as many hours as he was assigned to work. The claimant reopened his claim the week of April 13 when he only worked 7.5 hours. He was then laid off

from his assignment for lack of work on May 6, 2008. The facts establish the claimant did not quit his assignment and he was not discharged. When the claimant became unemployed it was the result of a lack of work. 871 IAC 24.1 (113). Therefore, the claimant is qualified to receive benefit as of April 13, 2008. The evidence does not indicate that the claimant was not able to and unavailable for work when he was on a short-term layoff.

**DECISION:**

The representative's May 15, 2008 decision (reference 03) is affirmed. The claimant was on a short-term layoff when the employer's client did not have enough work for the claimant. The claimant was able to and available for work during the layoff. As of April 13, 2008, the claimant is qualified to receive unemployment insurance benefits.

---

Debra L. Wise  
Administrative Law Judge

---

Decision Dated and Mailed

dlw/kjw