

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRANDON BOLSINGER
Claimant

APPEAL NO. 14A-UI-04491-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

AL'S ELECTRICAL SERVICE
Employer

OC: 11/03/13
Claimant: Respondent (3-R)

Section 96.4-3 – Able & Available For Work

STATEMENT OF THE CASE:

Al's Electrical Service filed a timely appeal from a representative's decision dated April 24, 2014, reference 07, finding the claimant was able and available for work beginning February 16, 2014 and listing Al's Electrical Service as the employer and potentially chargeable for benefits. After due notice was provided, a telephone hearing was held on May 20, 2014. Although duly notified, Mr. Bolsinger did not participate. The employer participated by Mr. Al Cook, Company Owner.

ISSUE:

The issue is whether Brandon Bolsinger is able and available for work and whether the employer's experience account should be charged.

FINDINGS OF FACT:

Having considered the evidence in the record, the administrative law judge finds: Brandon Bolsinger began employment with Al's Electrical Service in 2010. Mr. Bolsinger was hired to work as a part-time electrician's helper and was paid by the hour. His immediate supervisor was the company owner, Al Cook. Mr. Bolsinger's employment with Al's Electrical Service came to an end in approximately May 2013 when Mr. Bolsinger quit his employment with Al's Electrical Service to accept employment with Giese Electric Company located in Dubuque, Iowa. It appears that Mr. Bolsinger left his employment with Al's Electrical Service because he felt the new employment was a betterment of employment because it offered training to him. Mr. Bolsinger has not performed services for Al's Electrical Service since leaving the employment in the year 2013 and the employer believes that any benefits payable to Mr. Bolsinger should be chargeable to his most recent employer, Giese Electric Company. The employer had no direct knowledge about Mr. Bolsinger's availability for work after Mr. Bolsinger left his employment in approximately May 2013.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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".

In this matter the employer filed an appeal from an adjudicator's determination that held the claimant was able and available for work effective February 16, 2014 provided that the claimant met all other eligibility requirements of Iowa law.

The administrative law judge concludes that Mr. Cook has no direct knowledge regarding Mr. Bolsinger's availability or ability at this time, as Mr. Bolsinger left the employ of AI's Electrical Service in approximately May 2013. The employer is rightfully concerned, however, that his experience account may be charged for benefits that are paid to Mr. Bolsinger at this time.

Based on information provided by Mr. Cook, the administrative law judge concludes that Iowa Workforce Development may not have been aware of the job separation that took place in the past. The administrative law judge will, therefore, remand that issue to the Claims Division of Iowa Workforce Development for investigation and the issuance of an appealable determination on the claimant's job separation from AI's Electrical Service.

DECISION:

The representative's decision dated April 24, 2014, reference 07, is affirmed as modified. The portion of the determination finding the claimant is able and available for work as of February 16, 2014 is affirmed. The issue of whether the employer is chargeable for benefits paid to the claimant and the issue of whether the claimant has been previously separated from his employment with AI's Electrical Service is remanded to the Claims Division for an investigation and determination.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs