

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

ROBERTA A WHEELER  
653 W 53<sup>RD</sup> ST  
DAVENPORT IA 52806

OLSTEN STAFFING SERVICES CORP  
c/o TALX UC EXPRESS  
PO BOX 283  
ST LOUIS MO 63166 0283

Appeal Number: 06A-UI-00507-DWT  
OC: 11/20/05 R: 04  
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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.4-3 – Ability to and Availability for Work

STATEMENT OF THE CASE:

Olsten Staffing Services Corporation (employer) appealed a representative's January 5, 2006 decision (reference 06) that concluded Roberta A. Wheeler (claimant) was eligible to receive benefits as of November 20, 2005, because she was able to and available for work. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on February 6, 2006. The claimant participated in the hearing. Doretha Washington, a representative with TALX, appeared on Olsten Staffing Services Corporation's (employer's) behalf. Barb Asefi and Lisa Jordan testified on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Was the claimant able to and available for work as of November 20, 2005?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of November 20, 2005. After the claimant's September 2004 injury, her doctor released her to work with some permanent restrictions in April 2005. Since her release, the claimant has worked part-time in an office with these permanent restrictions. In October 2005 the claimant went back to school and continued working part-time. When the claimant established her claim for benefits during the week of November 20, 2005, the claimant was still looking and available for part-time work.

REASONING AND CONCLUSIONS OF LAW:

Each week a claimant files a claim for benefits, she must be able to and available for work. Iowa Code § 96.4-3. The facts establish that as of November 20, 2005, the claimant was available to work as much as she had previously been available to work. The claimant worked a part time job while she attended school. As of November 20, 2005, the claimant established she was able to and available for work. Therefore, she is eligible to receive benefits as of November 20, 2005.

DECISION:

The representative's January 5, 2006 decision (reference 06) is affirmed. As of November 20, 2005, the claimant is able to and available for work. Therefore, the claimant is eligible to receive benefits as of November 20, 2005, provided she meets all other eligibility requirements.

dlw/kjw