

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

MINANI ELIYA
Claimant

ADVANCE SERVICES INC
Employer

APPEAL NO. 14A-UI-07081-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 06/08/14
Claimant: Appellant (2)

Iowa Code § 96.4-3 – Able and Available
Iowa Code § 96.19 (38) – Total and partial unemployment

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated July 1, 2014, reference 02, which held claimant not able and available for work, and still working the same hours for the same wages. After due notice, a hearing was scheduled for and held on August 4, 2014. Claimant participated personally. Employer participated by Michael Payne.

ISSUES:

Is claimant able and available for work.

Is claimant still employed at the same hours for the same wages.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Employer did shut down work for two one-week time periods in 2014. It was during those weeks that claimant filed for unemployment. Claimant has retained his employment throughout this time and has not spent the period of the company shut down looking for other employment. Claimant is still working full time for employer, and is working full time for the same wages with the exception of the dates of March 24-31, 2014 and May 24-30, 2014 where the company instituted a layoff. At all times during the layoff was the claimant able and available to go back to work, should his employer have called him and asked him to return sooner than scheduled.

REASONING AND CONCLUSIONS OF LAW:

The employer laid the claimant off for lack of work during the March 24-31, 2014 and May 24-30, 2014. When an employer suspends a claimant from work status, the separation should not prejudice a claimant. The claimant's separation was attributable to a lack of work from employer. The claimant is eligible to receive benefits for the periods of layoff.

DECISION:

The decision of the representative dated July 1, 2014, reference 02, is reversed. Although claimant is working the same hours for the same wages as he had previously been employed, claimant was laid off through no fault of his own for the aforementioned periods. At all times claimant was able and available to return to work. Claimant is eligible to receive unemployment insurance benefits, effective March 24 to March 31, 2014, and May 24-30, 2014, provided claimant meets all other eligibility requirements.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/pjs