

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOSE G RAMIREZ

Claimant

APPEAL NO: 10A-UI-13293-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEMP ASSOCIATES - MARSHALLTOWN

Employer

OC: 10/25/09

Claimant: Appellant (1)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

The claimant appealed a department decision dated September 21, 2010, reference 05, that held he was not eligible for benefits for the period from June 27, 2010 to July 31, because he was employed. A telephone hearing was held on November 10, 2010. The claimant did not participate. Judy Rebik, Manager, participated for the employer.

ISSUE:

Whether the claimant is able and available for work.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witness, and having considered the evidence in the record, finds: The claimant worked an assignment for the employer at Cretex as a full-time laborer from June 28, 2010 to July 30. The claimant completed the assignment, and was laid-off at the request of the employer client.

The claimant failed to respond to the hearing notice.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 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".

The administrative law judge concludes that the claimant is not eligible for benefits during the period from June 27, 2010 to July 31, because he worked a full-time job. Since the claimant completed the job assignment and was laid-off, he is eligible for benefits August 1.

DECISION:

The department decision dated September 21, 2010, reference 05, is affirmed. The claimant is not eligible for benefits from June 27, 2010 to July 31 due to full-time employment, and he does not meet the availability requirements of the law.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs