

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ANDREW F YEISLEY
Claimant

EVENT SERVICES INC
Employer

APPEAL 18A-UI-00385-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 12/10/17
Claimant: Appellant (2)

Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Admin. Code r. 871-24.22(2) – Able & Available - Benefits Eligibility Conditions

STATEMENT OF THE CASE:

The claimant filed an appeal from the January 3, 2018, (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant was not available for work due to being a full-time student. The parties were properly notified of the hearing. A telephone hearing was held on February 5, 2018. The claimant, Andrew F. Yeisley, participated. The employer, Event Services, Inc., did not register a telephone number at which to be reached and did not participate in the hearing. The administrative law judge took official notice of the administrative record.

ISSUE:

Is the claimant able to work and available for work effective December 10, 2017?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time, most recently with Egleston Concrete, until December 7, 2017, when he was laid off for the season. The administrative record shows that claimant is assigned Group Code 3, indicating he is still attached to his most recent employer and is on a temporary layoff. Claimant testified that he was last enrolled in school in May 2017, and he denies that he is currently a full-time student.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant is able to work and available for work. Benefits are allowed.

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 case, claimant is currently on a temporary layoff from his employer. He is not a full-time student, and he has not been a full-time student in the recent past. Claimant established through testimony that he is able to work and available for work. Benefits are allowed, provided claimant is otherwise eligible.

DECISION:

The January 3, 2018, (reference 01) unemployment insurance decision is reversed. Claimant is able to work and available for work. Benefits are allowed, provided he is otherwise eligible.

Elizabeth A. Johnson
Administrative Law Judge

Decision Dated and Mailed

lj/scn