

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**THERESA L BRUSH**  
Claimant

**TEAM STAFFING SOLUTIONS INC**  
Employer

**APPEAL 19A-UI-06355-AW-T**  
**ADMINISTRATIVE LAW JUDGE**  
**DECISION**

**OC: 07/21/19**  
**Claimant: Appellant (1)**

---

Iowa Code § 96.4(3) – Eligibility – A&A – Able to, available for, work search  
Iowa Admin. Code r. 871-24.22(2) – Eligibility – A&A  
Iowa Admin. Code r. 871-24.23 – Eligibility – A&A – Waiting for specific employer

**STATEMENT OF THE CASE:**

Claimant/appellant filed an appeal from the August 13, 2019 (reference 02) unemployment insurance decision that found claimant was not available for work. The parties were properly notified of the hearing. A telephone hearing was held on September 4, 2019, at 11:00 a.m. Claimant participated. Employer participated through Sarah Fiedler, Human Resources Generalist. No exhibits were admitted. Official notice of the administrative record was taken.

**ISSUE:**

Whether claimant was available for work.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began her employment with Team Staffing Solutions Inc., a temporary employment firm, on June 3, 2019. Claimant was placed with Case New Holland as a full-time assembler beginning June 3, 2019. Case New Holland closed from July 22, 2019 until August 11, 2019. On July 18, 2019, employer notified claimant of Case New Holland's shut down and offered claimant other work placements for the three weeks while Case New Holland was closed. Claimant declined the other work placements. Claimant did not take the placements because she believed she was on a temporary layoff. Claimant filed unemployment insurance claims for benefit weeks ending July 27, 2019 through August 10, 2019. Claimant returned to work with Case New Holland on August 12, 2019.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant was not available for work for the benefit weeks ending July 27, 2019 through August 10, 2019.

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".

Iowa Admin. Code r. 871-24.22(2) provides:

**Benefit eligibility conditions.** For an individual to be eligible to receive benefits the department must find that the individual is able to work, available for work, and earnestly and actively seeking work. The individual bears the burden of establishing that the individual is able to work, available for work, and earnestly and actively seeking work.

**(2) Available for work.** The availability requirement is satisfied when an individual is willing, able, and ready to accept suitable work which the individual does not have good cause to refuse, that is, the individual is genuinely attached to the labor market. Since, under unemployment insurance laws, it is the availability of an individual that is required to be tested, the labor market must be described in terms of the individual. A labor market for an individual means a market for the type of service which the individual offers in the geographical area in which the individual offers the service. Market in that sense does not mean that job vacancies must exist; the purpose of unemployment insurance is to compensate for lack of job vacancies. It means only that the type of services which an individual is offering is generally performed in the geographical area in which the individual is offering the services.

Iowa Admin. Code r. 871-24.23 provides:

**Availability disqualifications.** The following are reasons for a claimant being disqualified for being unavailable for work.

**(20)** Where availability for work is unduly limited because the claimant is waiting to be recalled to work by a former employer or waiting to go to work for a specific employer and will not consider suitable work with other employers.

An individual claiming benefits has the burden of proof that she is be able to work, available for work, and earnestly and actively seeking work. Iowa Admin. Code r. 871-24.22.

Claimant was employed by Team Staffing Solutions, Inc. – not Case New Holland. While Case New Holland was shut down for three weeks, employer offered claimant other work placements. Claimant declined the other work placements, because she considered herself on a temporary layoff and was waiting to resume her placement with Case New Holland. Claimant was not genuinely attached to the labor market during that three-week period and, therefore, was not available for work during benefit weeks ending July 27, 2019 through August 10, 2019. Benefits are denied.

**DECISION:**

The August 13, 2019 (reference 02) unemployment insurance decision is affirmed. Benefits are denied for benefit weeks ending July 27, 2019 through August 19, 2019 because claimant was not available for work.

---

Adrienne C. Williamson  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
Iowa Workforce Development  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515)478-3528

---

Decision Dated and Mailed

acw/scn