

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JUSTIN K BEAUCHAMP
Claimant

APPEAL NO: 10A-UI-07834-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CHENHALL'S STAFFING SERVICES INC
Employer

OC: 01/17/10
Claimant: Respondent (1)

Section 96.4-3 - Able and Available

STATEMENT OF THE CASE:

Chenhall's Staffing Services, Inc. (employer) appealed a representative's May 28, 2010 decision (reference 03) that concluded Justin K. Beauchamp (claimant) was qualified to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 16, 2010. This appeal was consolidated for hearing with one related appeal, 10A-UI-07835-DT. The claimant failed to respond to the hearing notice and provide a telephone number at which he could be reached for the hearing and did not participate in the hearing. Mike Gowdy appeared on the employer's behalf. Based on the evidence, the arguments of the employer, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Was the claimant eligible for unemployment insurance benefits by being able and available for work?

FINDINGS OF FACT:

The employer is a temporary employment firm. The claimant began taking a seasonal assignment with the employer on April 20, 2009. He worked full time at the grain business client. His last day on the assignment was on or about December 18, 2009. The assignment ended at that time because the work was completed for the season.

When the claimant came in for his final paycheck for the season on or about December 18, he was told that while there was not another assignment immediately available for him at that time, there were many work orders coming in and he should check back in for work the following week. The claimant did not recontact the employer to seek reassignment after that contact. In April 2010 the business client recontacted the employer and indicated it would be scheduling the claimant for work at that time in the new season, and the claimant resumed working for the business client on the employer's payroll. He ceased filing weekly claims for unemployment insurance benefits as of the week ending April 3, 2010.

REASONING AND CONCLUSIONS OF LAW:

With respect to any week in which unemployment insurance benefits are sought, in order to be eligible the claimant must be able to work, is available for work, and is earnestly and actively seeking work. Iowa Code § 96.4-3. While that general requirement also applies to employees who are off work after the ending of assignment with a temporary employment firm, the law does not require such employees to remain in regular periodic contact specifically with that employer in order to remain generally “able and available” for work for purposes of unemployment insurance benefit eligibility. Iowa Code § 96.5-1-j; 871 IAC 24.26(19).

Other than failing to continue to check in for work specifically with the employer, there is no evidence the claimant was not “able and available” for work in general. Benefits are allowed, if the claimant is otherwise eligible.

DECISION:

The representative’s May 28, 2010 decision (reference 03) is affirmed. The claimant was able and available for work. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/css