

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI	
BRENDA L HAGEN Claimant	APPEAL NO: 15A-UI-12519-S1-T
KELLY SERVICES INC Employer	ADMINISTRATIVE LAW JUDGE DECISION
	OC: 09/27/15 Claimant: Appellant (2)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Brenda Hagen (claimant) appealed a representative's November 6, 2015, decision (reference 06) that concluded she was not eligible to receive unemployment insurance benefits because she was unable to work with Kelly Services (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for December 2, 2015. The claimant participated personally. The employer did not provide a telephone number where it could be reached and therefore, did not participate in the hearing.

ISSUE:

The issue is whether the claimant is able and available for work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant worked for the employer from December 14, 2014, to September 30, 2015. She was laid off from September 30, 2015, to November 10, 2015. The claimant was able and available for work during her layoff. She went back to work for the employer on November 10, 2015.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant was able and available for work as of October 11, 2015.

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 § 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as defined in § 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 § 96.5, subsection 3 are waived if the individual is not disqualified for benefits under § 96.5, subsection 1, paragraph "h".

There was no evidence that there were any restriction or limitation on employability. Accordingly, benefits are allowed.

DECISION:

The representative's November 6, 2015, decision (reference 06) is reversed. The claimant is able and available for work as of October 11, 2015.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css