

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**MARIA I ESPARZA
802 SHERMAN
ACKLEY IA 50601**

**AGRILIANCE LLC
c/o TALX UCM SERVICES
PO BOX 66864
ST LOUIS MO 63166-6864**

**Appeal Number: 06A-UI-07727-HT
OC: 08/14/05 R: 02
Claimant: Appellant (2)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

The claimant, Maria Esparza, filed an appeal from a decision dated July 25, 2006, reference 05. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on August 16, 2006. The claimant participated on her own behalf. The employer, Agriliance, did not provide a telephone number where a representative could be contacted and did not participate.

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Maria Esparza was employed by Agriliance from

February until June 23, 2006. She was a full-time temporary line operator. At the time of hire she was notified it was a temporary job and would end when the work was caught up.

On Wednesday, June 21, 2006, the supervisor, Nora, told all of the temporary workers Friday would be their last day of work. Ms. Esparza worked through her shift on that day and filed an additional claim for benefits.

REASONING AND CONCLUSIONS OF LAW:

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

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 record establishes the claimant was hired on a temporary basis and then laid off by the employer when the work was caught up. She was available for work beyond June 23, 2006, but no work was available.

DECISION:

The representative's decision of July 25, 2006, reference 05, is reversed. Maria Esparza is able and available for work effective June 25, 2006.

bgh/pjs