

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOHN A HANSON
Claimant

APPEAL NO. 10A-UI-06220-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

KCK ENTERPRISES
Employer

OC: 08/09/09
Claimant: Appellant (2)

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

John Hanson filed an appeal from a representative's decision dated April 16, 2010, reference 01, which held he did not satisfy the availability requirements of the law as of March 7, 2010. After due notice was issued, a hearing was held by telephone on June 10, 2010. Mr. Hanson participated personally. The employer participated by Mindi Mandernach and Scott Mandernach, Owners

ISSUE:

At issue in this matter is whether Mr. Hanson satisfied the availability requirements of the law as of March 7, 2010.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Hanson began working for KCK Enterprises in October of 2009. He worked full-time as a truck driver. He worked primarily hauling product for Pioneer. He filed an additional claim for job insurance benefits effective March 7, 2010 because Pioneer did not have work for him. He did not contact the employer to see what other work might be available during the two weeks that Pioneer was on shutdown.

The employer learned on or about March 12 that Mr. Hanson had not worked for Pioneer that week. He was not offered other work for the following week. He returned to full-time work on March 22 and subsequently quit the employment on May 29, 2010.

REASONING AND CONCLUSIONS OF LAW:

The decision herein only addresses Mr. Hanson's entitlement to benefits for the two weeks ending March 20, 2010. He filed an additional claim for benefits because there was no work available through Pioneer, the company he usually hauled for. In order to receive job insurance benefits, an individual must be available for work. Iowa Code section 96.4(3). It is true that Mr. Hanson did not contact his employer to advise that he was not working for Pioneer as of March 7. However, the employer became aware of this fact on March 12 but did not offer him

other work for the next week. Inasmuch as the employer did not offer him other work for the week of March 15 through 19, the administrative law judge is not inclined to conclude that he would have been offered other work had he contacted the employer on or about March 7.

For the reasons stated herein, the administrative law judge concludes that Mr. Hanson was laid off due to lack of work effective March 7, 2010. Because he remained available to work his normal schedule during this time, he satisfied the availability requirements of the law. As such, benefits are allowed for the two weeks ending March 20, 2010.

Mr. Hanson became separated from the employment on May 29, 2010. The issue of his separation was adjudicated in the representative's decision dated July 6, 2010, reference 02. The matter is currently under appeal as 10A-UI-09935.

DECISION:

The representative's decision dated April 16, 2010, reference 01, is hereby reversed. Mr. Hanson was laid off due to lack of work for the two weeks ending March 20, 2010, but remained available for work. Benefits are allowed from March 7 through March 20, 2010, provided he is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw