

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ESTEPHAN J RODRIGUEZ
Claimant

APPEAL NO: 14A-UI-04824-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

PALMER COMPANIES INC
PALMER GROUP
Employer

OC: 04/27/14
Claimant: Respondent (1)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Palmer Companies (employer) appealed a representative's May 8, 2014, decision (reference 03) that concluded Estephan Rodriguez (claimant) was eligible to receive unemployment insurance benefits after April 27, 2014. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for May 29, 2014. The claimant did not provide a telephone number for the hearing and, therefore, did not participate. The employer participated by Chris Lorenz, Recruiter.

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 employer is a temporary agency. The claimant worked for the employer as a full-time wire person from February 13 through April 29, 2014, when he was laid off for lack of work. The claimant filed for unemployment insurance benefits with an effective date of April 27, 2014. The employer left messages for the claimant on May 2 and 5, 2014, about interviews for jobs but the claimant did not return the employer's calls. The claimant has not filed for weekly benefits or received any unemployment insurance benefits since April 27, 2014.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant was able and available for work after April 27, 2014.

Iowa Code § 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".

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

DECISION:

The representative's May 8, 2014, decision (reference 03) is affirmed. The claimant is able and available for work after April 27, 2014. He is eligible to receive unemployment insurance benefits so long as he meets all the department's qualifications.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs