

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RODRIGO SERNA
Claimant

APPEAL NO. 12A-UI-12466-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC
Employer

OC: 10/09/11
Claimant: Appellant (2)

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

The claimant, Rodrigo Serna, filed an appeal from a decision dated October 15, 2012, reference 04. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on November 13, 2012. The claimant did not provide a telephone number where he could be contacted and did not participate. The employer, Advance Services, participated by Loss Prevention Specialist Steve Volle.

ISSUE:

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

FINDINGS OF FACT:

Rodrigo Serna began employment with Advance on August 27, 2006. He has worked off and on for the company through the current date. He had an assignment which ended August 3, 2012, and was sent out on another assignment on August 13, 2012. That assignment ended October 12, 2012, and he remains available to the employer for more work.

REASONING AND CONCLUSIONS OF LAW:

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 is able and available for work through Advance as of the current date. There is nothing in the record to indicate otherwise.

DECISION:

The representative's decision of October 15, 2012, reference 04, is reversed. Rodrigo Serna is able and available for work and eligible for benefits.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw