

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**STEVEN J GREATHOUSE**  
Claimant

**APPEAL NO. 12A-UI-14294-VST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DOHERTY STAFFING SOLUTIONS**  
Employer

**OC: 10/21/12  
Claimant: Appellant (4)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

The claimant filed an appeal from a decision of a representative dated November 28, 2012, reference 02, which held that the claimant was ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on January 8, 2013. The claimant was present personally. The employer was present by Glenda Niemiec, the unemployment insurance administrator. The record consists of the testimony of Steven Greathouse and the testimony of Glenda Niemiec. Official notice is taken of agency records.

**ISSUE:**

Whether the claimant is eligible for unemployment insurance

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The employer is a temporary staffing agency. The claimant was hired on September 7, 2012, to work at Polaris. The claimant generally worked 32 or 33 hours per week. He did work on Fridays. The claimant was laid off on December 6, 2012. He returned to work on January 8, 2013.

The claimant established an original claim for unemployment insurance benefits with an original claim date of October 21, 2012. At that time he was employed by the employer and working part-time hours.

**REASONING AND CONCLUSIONS OF LAW:**

871 IAC 24.1(113)a provides:

Separations. All terminations of employment, generally classifiable as layoffs, quits, discharges, or other separations.

a. Layoffs. A layoff is a suspension from pay status (lasting or expected to last more than seven consecutive calendar days without pay) initiated by the employer without prejudice to the worker for such reasons as: lack of orders, model changeover, termination of seasonal or temporary employment, inventory-taking, introduction of laborsaving devices, plant breakdown, shortage of materials; including temporarily furloughed employees and employees placed on unpaid vacations.

The claimant is eligible for unemployment insurance benefits from December 7, 2012, through January 7, 2013. When the original decision was issued by the representative, the claimant was indeed still employed in his job and was not eligible for benefits. That situation changed on December 7, 2012, when he was laid off by the employer for approximately one month. This layoff was due to no fault on the part of the claimant. Whether one is able and available is determined on a week to week basis. Section 96.4-3. As of December 7, 2012, the claimant was eligible for unemployment insurance benefits.

**DECISION:**

The decision of the representative dated November 28, 2012, reference 02, is modified in favor of the appellant. The claimant is eligible for unemployment insurance benefits from December 7, 2012, through January 7, 2013.

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Vicki L. Seeck  
Administrative Law Judge

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Decision Dated and Mailed

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