

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DARRELL D FLOWERS

Claimant

APPEAL NO: 14A-UI-04873-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

LABOR READY MIDWEST INC

Employer

OC: 04/13/14

Claimant: Appellant (1)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Darrell O. Flowers (claimant) appealed a representative's May 9, 2014 decision (reference 02) that concluded he was not qualified to receive unemployment insurance benefits in conjunction with his employment with Labor Ready Midwest, Inc. (employer) because he was not able and available for work. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 30, 2014. The claimant participated in the hearing. Nicole Petersmith appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Was the claimant eligible for unemployment insurance benefits by being able and available for work?

FINDINGS OF FACT:

The employer is a temporary employment firm. The claimant began taking assignments with the employer on August 27, 2013. The claimant established an unemployment insurance benefit year effective April 13, 2014. His claim is based on base period wages from full-time employment. The employer has full-time employment available for the claimant, but while the claimant occasionally accepts that work, he frequently does not report for that work due because the wage earned in that employment does not cover the cost of child care.

REASONING AND CONCLUSIONS OF LAW:

With respect to any week in which unemployment insurance benefits are sought, in order to be eligible the claimant must be able to work, is available for work, and is earnestly and actively seeking work. Iowa Code § 96.4-3. A claimant must remain available for work on the same basis as when his base period wages were accrued. 871 IAC 24.22(2)f. A claimant whose availability for work is unduly limited because of not having made adequate arrangements for child care or who is not available for work with his employer even though he had a choice to

work and that he would have had actual employment had he made himself available. Rule 871 IAC 24.23(8), (41).

The claimant has not been adequately able and available for work since he established his claim effective April 13, 2014. Benefits are denied at least until he makes himself available for work, if he is then otherwise eligible.

DECISION:

The representative's May 9, 2014 decision (reference 02) is affirmed. The claimant is not able to work and available for work effective April 13, 2014. The claimant is not currently qualified to receive unemployment insurance benefits.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/css