

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JESSE E BURDETTE
Claimant

APPEAL NO. 12A-UI-14650-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WORKSOURCE INC
Employer

OC: 10/26/12
Claimant: Respondent (1)

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

The employer, Worksource, filed an appeal from a decision dated November 30, 2012, reference 02. The decision allowed benefits to the claimant, Jesse Burdette. After due notice was issued a hearing was held by telephone conference call on January 16, 2013. The claimant participated on his own behalf. The employer participated by Administration Deanne Keehn.

ISSUE:

The issue is whether the claimant is on a short-term layoff.

FINDINGS OF FACT:

Jesse Burdette began employment with Worksource March 18, 2011. He was assigned to Siemens and that contract ended October 26, 2012. The claimant contacted the agency within three working days of the end of the assignment. He has no restrictions on the days or hours he can work and has reliable transportation.

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 claimant is on a short-term layoff because he is still attached to Worksource and is able and available for further assignment.

DECISION:

The representative's decision of November 30, 2012, reference 02, is affirmed. Jesse Burdette is eligible for unemployment benefits.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs