

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SAMANTHA J MESNER

Claimant

APPEAL NO. 14A-UI-09739-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

STREAM INTERNATIONAL INC

Employer

OC: 08/03/14

Claimant: Respondent (1/R)

Iowa Code § 96.4(3) – Able and Available

STATEMENT OF THE CASE:

Stream International (employer) appealed a representative's September 9, 2014, decision (reference 02) that concluded Samantha Mesner (claimant) was eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on October 8, 2014. The claimant did not provide a telephone number where she could be reached and, therefore, did not participate. The employer participated by Bangone Chanthavong, Human Resource Generalist, and Judith Easton, Senior Recruiter.

ISSUE:

The issue is whether the claimant is disqualified for being unavailable 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 claimant worked for the employer from March 20 through June 27, 2014, as a full-time customer support professional. She was laid off for lack of work. The employer paid her through July 18, 2014.

REASONING AND CONCLUSIONS OF LAW:

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 § 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as defined in § 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 § 96.5, subsection 3 are waived if the individual is not disqualified for benefits under § 96.5, subsection 1, paragraph "h".

The claimant is able and available for work because she is not working for the employer after June 27, 2014. The claimant is eligible to receive unemployment insurance benefits.

The issue of the separation from work is remanded for determination.

DECISION:

The representative's September 9, 2014, decision (reference 02) is affirmed. The claimant is eligible to receive unemployment insurance benefits. The issue of the separation from work is remanded for determination.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css