

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

ROBERT D HEROLD
Claimant

APPEAL NO: 18A-UI-01524-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

MANPOWER INTERNATIONAL INC
Employer

**OC: 12/31/17
Claimant: Respondent (1-R)**

Section 96.4-3 – Able and Available for Work

STATEMENT OF THE CASE:

The employer filed a timely appeal from the January 23, 2018, reference 01, decision that allowed benefits to the claimant. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on March 1, 2018. The claimant participated in the hearing. Jennifer Rea, Staffing Specialist, participated in the hearing on behalf of the employer.

ISSUE:

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

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time general laborer for Manpower International last assigned to International Paper from December 20, 2017 to December 29, 2017. He walked off the job because he felt the supervisor was insulting him. He started a new assignment with ConAgra January 14, 2018 which lasted until January 22, 2018. The claimant made contact with the employer within three business days of the end of his assignment as required by the employer's policy. The employer has made offers of work to the claimant but he has declined to accept a new assignment.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is able and available for work.

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 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 able and available for work. He has no medical restriction or other limitation on his employability effective December 31, 2017. Accordingly, benefits are allowed.

There are issues regarding the claimant's separation from employment December 29, 2017, and his work refusals that have not been heard or adjudicated by the Claims Bureau. Those issues are remanded to the Claims Bureau for an initial investigation and determination.

DECISION:

The January 23, 2018, reference 01, decision is affirmed. The claimant is able and available for work. Benefits are allowed, provided the claimant is otherwise eligible. The issues of the claimant's separation from employment December 29, 2017, and his work refusals are remanded to the Claims Bureau for an initial investigation and determination.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn