

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

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Appeal Number: 06A-UI-01064-SWT  
OC: 12/04/05 R: 01  
Claimant: Appellant (2)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.4-3 - Able to and Available for Work

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated January 23, 2006, reference 01, that concluded he was not able to and available for work. A telephone hearing was held on February 14, 2006. The parties were properly notified about the hearing. The claimant participated in the hearing. Rob Aguirre participated in the hearing on behalf of the employer.

FINDINGS OF FACT:

The employer is a staffing service that provides workers to client businesses on a temporary or indefinite basis. The claimant first started working for the employer in 2004, and he has worked part time for the employer on different assignments periodically since then.

In November 9, 2005, the claimant started a part-time work assignment as a laborer at Lincoln Agency on Aging. After completing that assignment, the claimant filed a new claim for unemployment insurance benefits with an effective date of December 4, 2005, because the employer did not have any immediate work available for him. He returned to work at the Lincoln Agency on Aging for 21 hours during the week ending December 17, 2005. He properly reported his wages for the week and worked all the hours available.

The claimant kept in contact with the employer after the week ending December 17, 2005, but the employer did not offer him any further work until February 2006.

#### REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is able to work, available for work, and earnestly and actively seeking work as required by the unemployment insurance law in Iowa Code section 96.4-3.

The evidence establishes that the claimant was working part-time and on an as-needed basis for the employer. He contacted the employer and other employers about work after he was temporarily laid off by the employer. He remained able to and available for work.

#### DECISION:

The unemployment insurance decision dated January 23, 2006, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

saw/kjw