

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

COURTNEY P LEWIS
Claimant

APPEAL NO. 11A-UI-12496-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**L A LEASING INC
SEDONA STAFFING**
Employer

**OC: 05/16/10
Claimant: Respondent (2)**

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Employer filed an appeal from a decision of a representative dated September 15, 2011, reference 01, which held claimant able and available for work. After due notice, a hearing was scheduled for and held on October 17, 2011. Claimant participated personally. Employer participated by Colleen McGuinty, Unemployment Benefits Administrator and Shelby Kingery, Account Manager. Exhibit One was admitted into evidence.

ISSUE:

The issue in this matter is whether claimant is able and available for work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant was laid off after she completed a job August 19, 2011. Claimant started a new job August 24, 2011. Claimant was working full time at both jobs. Claimant was only off work about two days.

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".

Benefits are withheld effective August 14, 2011 as claimant is working sufficient hours to not be available for other employment. Claimant is not available for work due to full-time employment.

DECISION:

The decision of the representative dated September 15 2011, reference 01, is reversed. Claimant is not eligible to receive unemployment insurance benefits, effective August 14, 2011, because claimant is employed full time.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/css