

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SARA P IVERSON
Claimant

APPEAL NO. 08A-UI-09036-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

JACK M FITZGERALD
SECURITY – GUARD -SERVICES
Employer

OC: 08/10/08 R: 01
Claimant: Respondent (1)

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

The employer, Jack M. Fitzgerald Security Guard Services, filed an appeal from a decision dated October 2, 2008, reference 01. The decision allowed benefits to the claimant, Sara Iverson. After due notice was issued, a hearing was held by telephone conference call on October 22, 2008. The claimant participated on her own behalf. The employer participated by Owner Jack Fitzgerald. Exhibit One was admitted into the record.

ISSUE:

The issue is whether the claimant able and available.

FINDINGS OF FACT:

Sara Iverson was employed by Security Guard Services from March 1 until July 5, 2008 as a part-time security guard. The client company no longer required a security guard as of June 29, 2008, and ended the contract. Ms. Iverson worked one more day on July 5, 2008, on a one-day agreement. She is currently available to accept other work on a full-time or part-time basis.

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 able and available for work after being laid off due to the end of the contract with the client company. She is eligible for benefits.

DECISION:

The representative's decision of October 2, 2008, reference 01, is affirmed. Sara Iverson is able and available for work and is eligible for benefits.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw