

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHRIS J LEMEK
Claimant

APPEAL NO. 12A-UI-14652-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WORKSOURCE INC
Employer

OC: 10/28/12
Claimant: Respondent (4)

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

The employer, Worksource, filed an appeal from a decision dated November 30, 2012, reference 01. The decision allowed benefits to the claimant, Chris Lemek. After due notice was issued a hearing was held by telephone conference call on January 16, 2013. The claimant did not provide a telephone number where he could be contacted and did not participate. The employer participated by Administration Deanna Keehn.

ISSUE:

The issue is whether the claimant is on a short-term layoff.

FINDINGS OF FACT:

Chris Lemek began employment with Worksource on February 24, 2012, and was assigned to Siemens. The contract with the client ended effective October 26, 2012, and on that date Mr. Lemek notified the temporary agency he had found work elsewhere, but he still called within three days of the end of the assignment to notify Worksource he was available.

A subsequent decision by Iowa Workforce Development dated January 7, 2013, found the claimant had worked for another employer, relieving Worksource of charges to its account for benefits paid to Mr. Lemek.

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 not on a short-term layoff but separated from the employment to accept another job. This matter has already been adjudicated by Iowa Workforce Development. The claimant is eligible for benefits.

DECISION:

The representative's decision of November 30, 2012, reference 01, is modified in favor of the appellant. Chris Lemek is qualified for benefits, provided he is otherwise eligible. The account of Worksource shall not be charged with benefits paid to the claimant.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs