

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

JOSHUA D BEDSWORTH
Claimant

APPEAL NO. 18A-UI-01628-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC
Employer

OC: 12/24/17
Claimant: Respondent (1)

Iowa Code § 96.4(3) – Able and Available

STATEMENT OF THE CASE:

Advance Services (employer) appealed a representative's February 1, 2018, decision (reference 05) that concluded Joshua Bedsworth (claimant) was eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for March 1, 2018. The claimant did not provide a telephone number for the hearing and, therefore, did not participate. The employer participated by Melissa Lewien, Risk Manager. The employer offered and Exhibit 1 was received into evidence.

ISSUE:

The issue is whether the claimant is disqualified for being unavailable for work. .

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on July 24, 2017, and assigned to work as a full-time packager at AMS NSK. On January 5, 2018, the claimant asked the client company for time off to "detox". The client company approved the claimant's request. On January 8, 2018, the claimant told the client he was ready to return to work. On January 9, 2018, the claimant sat in on a meeting before being sent for drug testing. The client told the claimant he could not return to work until he tested negative on his drug screen. There were issues with the January 9, 2018, drug test and the claimant was retested on January 15, 2018. The results were reached on January 22, 2018. The claimant could not be contacted for input until January 26, 2018. The laboratory provided the employer with the results on January 29, 2018. The employer separated the claimant from employment.

The claimant filed for unemployment insurance benefits with an effective date of December 24, 2017. He filed an additional claim on January 28, 2018.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant was able and available for work as of January 14, 2018.

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".

There was no evidence that there were any restriction or limitation on employability. The employer was not scheduling him for hours. Accordingly, benefits are allowed, provided the claimant is otherwise eligible.

DECISION:

The representative's February 1, 2018, decision (reference 05) is affirmed. The claimant is able and available for work as of January 14, 2018.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/rvs