

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JANELLE D FINKS**  
Claimant

**APPEAL NO. 08A-UI-07855-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DES STAFFING SERVICES INC**  
Employer

**OC: 04-13-08 R: 02  
Claimant: Respondent (1)**

Section 96.4-3 - Able and Available

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the August 21, 2008, reference 04, decision that allowed benefits. After due notice was issued, a hearing was held on September 16, 2008. The claimant did participate along with her witnesses Alicia Cerrato. The employer did participate through Amy Macgregor, Human Resources Manager and Ashley Leydens, Placement Specialist.

**ISSUE:**

Is the claimant able to and available for work?

**FINDINGS OF FACT:**

Having reviewed the testimony and all of the evidence in the record, the administrative law judge finds: The claimant was assigned to work at CTI through June 27, 2008 when she was laid off due to lack of work. She reported to her employer, DES Staffing, that she had been laid off and specifically asked for additional assignments. She was told by Alyssa that no additional work was available for her.

The claimant did not hear from the employer after making them aware that she was available for work. She went in to pick up her paycheck on July 3 with Alicia Cerrato her neighbor and coworker. While she was picking up her check the claimant's conversation was overheard by Ms. Cerrato who confirmed at hearing that the claimant was told that no further work was available for her.

The claimant is able to and available for work to the extent that she worked for the employer during her base period.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant is able to work and available for work.

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 was told that no additional work was available for her. The claimant is able to work to the same extent she worked during her base period. Thus, the claimant is considered able to and available for work. Accordingly, benefits are allowed.

**DECISION:**

The August 21, 2008, reference 04, decision is affirmed. The claimant is able to work and available for work effective June 15, 2008. Benefits are allowed, provided the claimant is otherwise eligible.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

tkh/pjs