

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHARLES M CORNELIS
Claimant

APPEAL NO. 09A-UI-15997-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MANPOWER INC
Employer

**Original Claim: 09/06/09
Claimant: Respondent (1)**

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

The employer, Manpower, filed an appeal from a decision dated October 12, 2009, reference 02. The decision allowed benefits to the claimant, Charles Cornelis. After due notice was issued, a hearing was held by telephone conference call on December 1, 2009. The claimant participated on his own behalf. The employer participated by Staffing Specialist Laurie Sander.

ISSUE:

The issue is whether the claimant is able and available for work.

FINDINGS OF FACT:

Charles Cornelis began employment with Manpower on July 24, 2009, when he was assigned to Winegard. On September 7, 2009, the assignment ended, and the next day he contacted the Manpower representative at Winegard to ask about more work. The representative told him work was slow but to “stay by the phone” and he would be contacted when work was available.

The claimant did not receive any calls from Manpower and so he moved to Waterloo, Iowa, and registered for work at the Manpower office in that city. The Manpower office in Burlington contacted him to return to work at Winegard November 16, 2009, which he did.

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 did contact the employer after he was laid off to ask for work and was told he would be contacted. He renewed his contact with the employer when he moved to another city, but still made himself available to return to Winegard when the job was offered. The record establishes the claimant did make himself available to the employer and is eligible for benefits.

DECISION:

The representative's decision of October 12, 2009, reference 02, is affirmed. Charles Cornelis is eligible for benefits, provided he is otherwise qualified.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw