

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**ALEXANDRA M DURAND**  
Claimant

**APPEAL NO. 14A-UI-11701-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**QPS EMPLOYMENT GROUP INC**  
Employer

**OC: 09/28/14**  
**Claimant: Appellant (1)**

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Section 96.4-3 - Able to and Available for Work

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated November 3, 2014, reference 01, that concluded she was unavailable for work. A telephone hearing was held on December 3, 2014. The parties were properly notified about the hearing. The claimant was unavailable when called at the number she provided for the hearing, and she failed to participate in the hearing. Rhonda Hefter De Santisteban participated in the hearing on behalf of the employer with a witness, Krystal Hauersperger. Exhibit 1 was admitted into evidence.

**ISSUE:**

Was the claimant able to and available for work?

**FINDINGS OF FACT:**

The employer is a staffing company that provides workers to client businesses on a temporary or indefinite basis. The claimant worked full time for the employer on an assignment at Standard Distribution from May 2, 2014, to September 24, 2014. She finished the assignment when work slowed down.

On September 29, the claimant contacted the branch manager and stated that she wanted part-time work because she was attending school and could not work late afternoons or evenings due to her school schedule from 3 to 8 p.m. She called again on October 3 and asked for part-time work. At that time, she reported to the branch manager that she had broken her hand and was restricted to one-hand work. The claimant submitted a letter at the fact-finding interview dated October 15, 2014, from a doctor stating that she could work in a job not involving the use of her right hand.

The hours' restriction and the one-handed work restriction made it nearly impossible for the employer to match the claimant for available work.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant is able to work, available for work, and earnestly and actively seeking work as required by the unemployment insurance law in Iowa Code § 96.4-3. The unemployment insurance rules provide that a person must be physically able to work, not necessarily in the individual's customary occupation, but in some reasonably suitable, comparable, gainful, full-time endeavor that is generally available in the labor market. 871 IAC 24.22(1)b. The evidence does not show the claimant is able to perform gainful, full-time activity that is generally available in the labor market.

**DECISION:**

The unemployment insurance decision dated November 3, 2014, reference 01, is affirmed. The claimant is disqualified to receive unemployment insurance benefits. If circumstances change and claimant believes the disqualification should be lifted, she should reapply for benefit and demonstrate she no longer has substantial restrictions.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/pjs