

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRADLEY L JOHNSON

Claimant

APPEAL NO. 13A-UI-05984-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

JACOBSON STAFFING COMPANY LLC

Employer

OC: 03/31/13

Claimant: Appellant (2)

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

The claimant, Bradley Johnson, filed an appeal from a decision dated May 8, 2013, reference 01. The decision found him ineligible from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on June 27, 2013. The claimant participated on his own behalf. The employer, Jacobson Staffing, participated by Office Manager Danielle Aeschliman.

ISSUE:

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

FINDINGS OF FACT:

Bradley Johnson was employed by Jacobson from February 13 until June 7, 2013. He had only two assignments, both at the Jacobson warehouse in Newton, Iowa. The first assignment ended April 3, 2013, when he was laid off for lack of work. He did not contact the employer within three working days to ask for more work but the employer contacted him to offer him another assignment at the warehouse. He accepted but the start date kept being put off. It finally stated April 24, 2013.

His last day of work was June 3, 2013, and he was no-call/no-show after that date, both at the Jacobson warehouse in Newton, Iowa and at the Jacobson office. The first assignment ended April 3, 2013, when he was laid off for lack of work. He did not contact the employer within three working days to ask for more work but the employer contacted him to offer him another assignment at the warehouse. He accepted but the start date kept being put off. It finally started April 24, 2013 and he made his job contacts every week until that time.

Bradley Johnson filed a claim for unemployment benefits with an effective date of March 31, 2013. He received benefits for four weeks until the week ending April 27, 2013.

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 was laid off from his first assignment due to lack of work. He did not call the temporary agency within three days but the employer still considered him an employee and called to offer him more work. He accepted but the start date was delayed until April 24, 2013, at which time he went to work. During the period between assignments he maintained eligibility by doing his work searches and filing weekly claims.

DECISION:

The representative's decision of May 8, 2013, reference 01, is reversed. Bradley Johnson is eligible for unemployment benefits as he was able and available for work during the layoff period.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs