

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

LEIGHTON M STECKEL JR
1009 NE HYACINTH LN
ANKENY IA 50021

PCI STAFF LEASING INC
PO BOX 1001
ELMWOOD PARK NJ 07407

Appeal Number: 06A-UI-01938-DT
OC: 01/01/06 R: 02
Claimant: Appellant (2)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.4-3 - Able and Available

STATEMENT OF THE CASE:

Leighton M. Steckel, Jr. (claimant) appealed a representative's February 8, 2006 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits for the week of January 1 through January 7, 2006 in conjunction with his employment through PCI Staff Leasing, Inc. (employer). This appeal was consolidated for hearing with three related appeals, 06A-UI-01808-DT, 06A-UI-01807-DT, and 06A-UI-10939-DT. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on March 2, 2006. The claimant participated in the hearing. Giovanna Perez appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Was the claimant eligible for unemployment insurance benefits by being able and available for work?

FINDINGS OF FACT:

The employer is an employment services provider for business clients. The claimant started working for the employer's business client on November 16, 2004. He works full time as a contract underwriter in the employer's client's mortgage auditing business. His weekly schedule is not preset, but varies on when and where the claimant is sent on jobs, which could be anywhere in the United States.

The claimant's liaison with the business client indicated that work would be slow the week of Christmas and that it would be a good week to be off. The claimant therefore indicated he would not be available for work the week of December 25, 2005, went out of town and visited family and friends. He returned home and was available for work the week beginning January 1, 2006, but no work was available for him.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was eligible for unemployment insurance benefits by being able and available for employment the week ending January 7, 2006.

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 able and available for work the week of January 1 through January 7, 2006.

DECISION:

The representative's February 8, 2006 decision (reference 01) is reversed. The claimant was able to work and available for work the week ending January 7, 2006. The claimant is qualified to receive unemployment insurance benefits for that week if he was otherwise eligible.

ld/tjc