

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEAN L DAWDY
Claimant

APPEAL NO. 11A-UI-15082-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**AVENTURE STAFFING & PROFESSIONAL
SERVICES**
Employer

**OC: 10/16/11
Claimant: Respondent (1)**

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Aventure Staffing & Professional (employer) appealed a representative's November 17, 2011 decision (reference 04) that concluded Dean Dawdy (claimant) was eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 15, 2011. The claimant participated personally. The employer participated by Kayla Neuhalfen, Human Resources Representative. The employer offered and Exhibit One was received into evidence.

ISSUE:

The issue is whether the claimant is disqualified for being unavailable for work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on April 16, 2011, as a temporary full-time worker. For the week ending October 22, 2011, the claimant was able and available for work. The employer did not have work for the claimant on October 17, 18, and 19, 2011. The claimant returned to work on October 20, 2011.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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 for the week ending October 22, 2011. The employer did not have work available. The claimant is not disqualified from receiving unemployment insurance benefits for the week ending October 22, 2011.

DECISION:

The representative's November 17, 2011 decision (reference 04) is affirmed. The claimant is not disqualified because he was able and available for work for the week ending October 22, 2011.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs