

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JESSE J LIGHTFOOT
Claimant

APPEAL NO: 16A-UI-05010-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

LABOR READY MIDWEST INC
Employer

OC: 04/03/16
Claimant: Respondent (1/R)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Labor Ready Midwest (employer) appealed a representative's April 21, 2016, decision (reference 01) that concluded Jesse Lightfoot (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 scheduled for May 13, 2016. The claimant did not provide a telephone number for the hearing and, therefore, did not participate. The employer participated by Kimberlee Thompson, Manager.

ISSUE:

The issue is whether the claimant is able and available 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 employer is a temporary agency. The claimant was assigned to work at Crystal Distribution as a full-time laborer through March 18, 2016, when he quit. On April 7, 2016, the claimant worked a one-day assignment for O.S.D.I. Space Saver. The employer has not had contact with the claimant since April 7, 2016.

The issue of the claimant's separation from work from the employer is remanded for determination.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant was able and available for work as of April 3, 2016.

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".

There was no evidence that there were any restriction or limitation on employability. Accordingly, benefits are allowed.

DECISION:

The representative's April 21, 2016, decision (reference 01) is affirmed. The claimant is able and available for work as of April 3, 2016. The issue of the claimant's separation from work from the employer is remanded for determination.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs