

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

COREY M DAVIS
Claimant

APPEAL NO. 08A-UI-03683-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MIDAMERICAN AEROSPACE LTD
Employer

OC: 03/09/08 R: 03
Claimant: Respondent (1)

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

The employer, MidAmerican Aerospace, filed an appeal from a decision dated April 9, 2008, reference 01. The decision allowed benefits to the claimant, Corey Davis. After due notice was issued a hearing was held by telephone conference call on May 1, 2008. The claimant did not provide a telephone number where he could be contacted and did not participate. The employer participated by Corporate Secretary/Treasurer Nancy Pink.

ISSUE:

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

FINDINGS OF FACT:

Corey Davis was employed by MidAmerican Aerospace beginning February 6, 2006, as a full-time shipping and receiving clerk. He filed a claim for unemployment benefits with an effective date of March 9, 2008, when he was laid off for a few days, but he was called back to work shortly. He was laid off again March 28, 2008, and the employer was not certain when, or if, it would be able to recall him. Mr. Davis was recalled to work effective April 30, 2008.

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 available for recall during the lay off period as evidenced by his return to work when the employer contacted him to return.

DECISION:

The representative's decision of April 9, 2008, reference 01, is affirmed. Corey Davis is able and available for work and eligible to receive unemployment benefits.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs