

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRYAN M RAMSEY
Claimant

APPEAL NO. 07A-UI-10436-MT

**ADMINISTRATIVE LAW JUDGE
AMENDED DECISION**

ACTION STAFFING
Employer

**OC: 04/15/07 R: 02
Claimant: Appellant (2)**

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated November 7, 2007, reference 02, which held claimant not able and available for work. After due notice, a telephone conference hearing was scheduled for and held on November 29, 2007. Claimant participated personally. Employer participated by Dana Elrod, Staffing Manger

ISSUE:

The issue in this matter is whether claimant is able and available for work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds: Claimant was laid off from work on August 24, 2007 from his temporary assignment at client Superior Concrete. Claimant took the bus to work. For the last four years, claimant has used the bus line in Des Moines, Iowa, as his primary means of transportation. Claimant has been gainfully employed using a bus line as his transportation source.

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".

Benefits shall be allowed effective September 9, 2007. Claimant has been using the bus line as his means of transportation for many years. It has not inhibited him from maintaining gainful employment. Claimant did not lose his means of transportation to and from work. Claimant is able and available for work. Benefits allowed.

DECISION:

The decision of the representative dated November 7 2007, reference 02, is reversed. Claimant is eligible to receive unemployment insurance benefits, effective September 9, 2007, provided claimant meets all other eligibility requirements.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/kjw/kjw