

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

JAYSON F PATTEN
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618 – 170TH ST
OGDEN IA 50212

HELPING HANDS TEMPORARY
SERVICES INC
27 N CENTER ST
MARSHALLTOWN IA 50158-4912

Appeal Number: 04A-UI-02108-CT
OC: 01/18/04 R: 02
Claimant: Appellant (3)

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:

Jayson Patten filed an appeal from a representative's decision dated February 25, 2004, reference 02, which denied benefits effective January 18, 2004 on a finding that he was not available for work. After due notice was issued, a hearing was held by telephone on March 16, 2004. Mr. Patten participated personally. The employer participated by Arlene Wenzel, President.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Mr. Patten began accepting temporary assignments through Helping Hands Temporary Services, Inc. in September of 2003. He completed an assignment on January 30, 2004. On February 2, he was contacted for a one-day assignment on February 3. He declined the assignment because he did not know if he would be able to get out of his driveway due to snow. On February 19, he declined an assignment because he did not have transportation. He did not notify the employer that he was again available for work until March 5. Although his vehicle was only down for a few days, Mr. Patten did not contact the employer until March 5 because he was in the process of getting ready for school.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Patten satisfied the availability requirements of Iowa Code Section 96.4(3) as of January 18, 2004. There were no transportation or other problems which interfered with his availability as of that date. It is true that he declined an assignment on February 2. However, the fact that he was not available for one day during that week would not be sufficient to find that he was not available for the week as a whole.

Mr. Patten was without transportation beginning during the week of February 15. Therefore, the availability disqualification would be effective as of the Sunday of that week. Due to vehicle problems and the fact that he was getting ready for school, Mr. Patten was not available again until March 5. Because he was not available for the major portion of the week ending March 6, benefits are not allowed until March 7, 2004.

DECISION:

The representative's decision dated February 25, 2004, reference 02, is hereby modified. Mr. Patten is allowed job insurance benefits effective January 18 through February 14, 2004. Benefits are allowed again effective March 7, 2004, provided Mr. Patten satisfies all other conditions of eligibility.

cfc/kjf