

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BENOISE SLAUGHTER
Claimant

APPEAL NO. 17A-UI-07359-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

OC: 06/25/17
Claimant: Appellant (4R)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Benoise Slaughter (claimant) appealed a representative's July 19, 2017, decision (reference 01) that concluded he was not eligible to receive unemployment insurance benefits because he was not willing to work in specific areas with Express Services (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for August 7, 2017. The claimant participated personally. The employer participated by Holly Eichmann, Owner. Exhibit D-1 was received into evidence.

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 claimant worked for the employer from July 11, 2016, to June 27, 2017. On June 27, 2017, the claimant had a flat tire and the rim came off. The claimant was terminated from his assignment at Winnebago for attendance. The claimant told the employer he had no transportation. He was without transportation until August 1, 2017, when his brother let him borrow his car.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant was not available for work due to lack of transportation.

Iowa Admin. Code r. 871-24.23(4) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(4) If the means of transportation by an individual was lost from the individual's residence to the area of the individual's usual employment, the individual will be deemed

not to have met the availability requirements of the law. However, an individual shall not be disqualified for restricting employability to the area of usual employment. See subrule 24.24(7).

The claimant's means of transportation was lost when he did not fix his car. When a claimant's has no means of transportation to employment, the claimant is deemed to not be available for work. The claimant is disqualified from receiving unemployment insurance benefits until the week ending August 5, 2017.

The issue of the separation from employment is remanded for determination.

DECISION:

The representative's July 19, 2017, decision (reference 01) is modified in favor of the appellant. The claimant is disqualified from receiving unemployment insurance benefits until the week ending August 5, 2017. The issue of the separation from employment is remanded for determination.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/rvs