

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MARSHA K NASH**  
Claimant

**APPEAL NO. 06A-UI-09828-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CAMBRIDGE TEMPOSITIONS INC**  
Employer

**OC: 08/28/05 R: 03**  
**Claimant: Appellant (1)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Marsha Nash (claimant) appealed a representative's October 3, 2006 decision (reference 03) that concluded she was not eligible to receive unemployment insurance benefits because she refused suitable work from Cambridge Tempositions (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on October 23, 2006. The claimant participated personally. The employer participated by Will Ortega, Account 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 claimant was hired on July 14, 2006, as a full-time temporary worker assigned to Plastics Product. She rode to work with a friend. The assignment ended on August 7, 2006. The employer offered the claimant work on August 4, 2006, because the claimant had no transportation.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow the administrative law judge concludes the claimant is not able and available for work. Before a claimant can be disqualified from receiving unemployment insurance benefits for refusing an offer of suitable work, the claimant must be able and available for work. 871 IAC 24.24(4).

871 IAC 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 because she is no longer riding to work with a friend. When a claimant 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 because she is not available for work.

**DECISION:**

The representative's October 3, 2006 decision (reference 03) is affirmed. The claimant is disqualified from receiving unemployment insurance benefits because she is not available for work with another employer.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

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