

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ZACKARY L CAGLEY Claimant A+ LAWN & LANDSCAPING INC Employer	<div>68-0157 (9-06) - 3091078 - EI</div> <div>APPEAL NO. 18A-UI-00697-S1-T ADMINISTRATIVE LAW JUDGE DECISION</div> <div>OC: 01/01/17 Claimant: Appellant (1)</div>
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Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Zackary Cagley (claimant) appealed a representative's January 10, 2018, decision (reference 01) that concluded he was not eligible to receive unemployment insurance benefits for the one week period ending December 30, 2017, because he had no means of transportation to work with A+ Lawn & Landscaping (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for February 8, 2018. The claimant participated personally. The employer did not provide a telephone number where it could be reached and therefore, did not participate in the hearing. Exhibit D-1 was received into evidence.

ISSUE:

The issue is whether the claimant was 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 in September 2015, as a full-time spray technician. In the winter the employer laid off the claimant for lack of work. The claimant knew there was snow removal work available when conditions were favorable. The claimant filed for unemployment insurance benefits with an effective date of January 1, 2017. He filed an additional claim for benefits on November 12, 2017.

On December 24, 2017, there was snow removal work for the claimant with the employer. The claimant did not have transportation. He left a voice mail message and sent a text to the employer stating he would not be at work due to transportation issues.

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 the one-week period ending December 30, 2017.

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 had no means of transportation during the week ending December 30, 2017. When a claimant's has no transportation to employment, the claimant is deemed be unavailable for work. The claimant is disqualified from receiving unemployment insurance benefits for the one-week period ending December 30, 2017, because he is not available for work with the employer.

DECISION:

The representative's January 10, 2018, decision (reference 01) is affirmed. The claimant is disqualified from receiving unemployment insurance benefits for the one-week period ending December 30, 2017, because he was not available for work with the employer.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/rvs