

recent assignment ended July 31, 2005. C.F.A. contracts exclusively with two companies in the industrial park area at the southeast corner of Iowa City. Mr. Ayala resides close to the industrial park area. Mr. Ayala has focused his search for employment to the geographical confines of the industrial park area of Iowa City. Mr. Ayala has established a relationship with multiple temporary employment agencies with the goal of securing work in the industrial park area. However, Mr. Ayala recently commenced short-term temporary employment in Lone Tree, assisting with corn harvest/processing. Mr. Ayala is without his own means of transportation, but was able to secure a ride to Lone Tree with a coworker. Mr. Ayala has submitted applications for custodial work at the Coral Ridge Mall, which is located on the northeast corner of the Iowa City-Coralville metropolitan area. Mr. Ayala has already made arrangements for transportation to the Coral Ridge Mall if he is hired.

#### REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in the record establishes that Mr. Ayala has been available for work since August 31, 2005 and whether he is available for work at this time.

An otherwise eligible claimant is eligible to receive benefits with respect to any week only if the evidence indicates that the individual is able to work, is available for work, and is earnestly and actively seeking work. Iowa Code section 96.4(3) and 871 IAC 24.22. The claimant bears the burden of establishing that the claimant meets the above requirements. 871 IAC 24.22. An individual may not be eligible for benefits if the individual has imposed restrictions which leave the individual no reasonable expectation of securing employment. Restrictions may relate to type of work, hours, wages, location of work et cetera. See 871 IAC 24.22(2)(m).

The evidence in the record establishes that although Mr. Ayala has focused his work search on the industrial park area of Iowa City close to his home, he has not limited his work search to that geographical area. On the contrary, Mr. Ayala has demonstrated the willingness to travel as far away as Lone Tree for employment and the ability to secure appropriate transportation through family and friends. Based on the evidence in the record and the applicable law cited above, the administrative law judge concludes that Mr. Ayala is available for employment and has not unduly restricted his work search.

#### DECISION:

The Agency representative's September 1, 2005, reference 02, decision is reversed. The claimant has been available for work since establishing his claim for benefits and has not unduly restricted his work search.

jt/kjw