

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DAVID A LATHAM**  
Claimant

**APPEAL NO: 13A-UI-03685-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 12/23/12  
Claimant: Appellant (2)**

Iowa Code § 96.4(3) – Able to and Available for Work

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's March 22, 2013 determination (reference 03) that held him ineligible to receive benefits as of February 10, 2013, because his lack of transportation unduly limited his availability for work. The claimant participated in the hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge concludes that as of February 10, 2013, the claimant is available for work and eligible to receive benefits.

**ISSUE:**

Does the claimant's lack of transportation unduly limit his availability for work?

**FINDINGS OF FACT:**

The claimant established a claim for benefits during the week of December 23, 2012. The claimant understood that he was not required to look for work until mid-February 2013. After the claimant started looking for work, he contacted local businesses for work. The claimant walked to these businesses. As of April 26, the claimant has not contacted an employer more than once unless an employer indicated there would be an upcoming job opening.

As of late April, the claimant has contacted all the local businesses, but not businesses on the outside of town.

**REASONING AND CONCLUSIONS OF LAW:**

Each week a claimant files a claim for benefits, he must be able to and available for work. Iowa Code § 96.4(3). The law presumes a claimant is not available for work if his transportation is lost from his residence to the area of his usual employment. An individual is not deemed ineligible for restricting employment to the area of usual employment. 871 IAC 24.23(4).

Even though the claimant does not have a vehicle, he has not owned a vehicle for four or five years. Since he has looked for work since mid-February, the fact he does not own a vehicle does not by itself make him ineligible to receive benefits. Therefore, as February 10, 2013, the claimant remains eligible to receive benefits.

**DECISION:**

The representative's March 22, 2013 determination (reference 03) is reversed. Since the claimant has actively looked for work, the fact he does own a vehicle does not by itself make him unavailable for work. As of February 10, 2013, the claimant remains eligible to receive benefits.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

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