

**IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI**

**Appeal Number: 06A-UI-05719-S2T  
OC: 04/30/06 R: 03  
Claimant: Appellant (1)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

**TOCCARA C MITCHELL  
435 ASHTON PL NE APT 51  
CEDAR RAPIDS IA 52402-8367**

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

**WESTERN HOME COMMUNITIES INC  
C/o SUSAN WHITESELL  
420 E 11<sup>TH</sup> ST  
CEDAR FALLS IA 50613**

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Toccar Mitchell (claimant) appealed a representative's May 18, 2006 decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits because she was not available to work with Western Home Communities (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 19, 2006. The claimant participated personally. The employer participated by Kim Drennan, Director of Human Resources.

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 or about November 11, 2004, as a part-time

worker. On March 23, 2006, the claimant requested that as of April 17, 2006, she be considered an on-call employee. She worked her last day on April 12, 2006. The employer has not needed any on-call workers since April 17, 2006. On April 27, 2006, the claimant moved 45 minutes away from the employer and she has no transportation.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified for being unavailable for work. For the following reasons, the administrative law judge concludes she is.

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 has no means of transportation. 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 with another employer.

DECISION:

The representative's May 18, 2006 decision (reference 01) is affirmed. The claimant is disqualified from receiving unemployment insurance benefits because she is not available for work.

bas/kkf