

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

COLE M HOL
Claimant

APPEAL NO. 11A-UI-07043-PT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 03/13/11
Claimant: Appellant (1)**

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated May 18, 2011, reference 03, which held claimant was not able and available for work. After due notice, a telephone conference hearing was scheduled to be held on June 15, 2011. Claimant failed to respond to the hearing notice and did not participate.

ISSUE:

The issue in this matter is whether claimant is able and available for work.

FINDINGS OF FACT:

The administrative law judge, having considered all of the evidence in the record, finds: claimant did not have transportation to attend REA during the week May 21, 2011.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.4-3 provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

Claimant's lack of transportation indicates that he was not able and available for work for the week ending May 21, 2011.

DECISION:

The decision of the representative dated May 18, 2011, reference 03, is affirmed. Claimant is not eligible to receive unemployment insurance benefits for the week ending May 21, 2011.

Ron Pohlman
Administrative Law Judge

Decision Dated and Mailed

rrp/kjw