

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

JAMES F WENMAN
625 BLAKE
OTTUMWA IA 52501

IOWA WORKFORCE
DEVELOPMENT DEPT

Appeal Number: 05A-UI-08211-MT
OC: 02/20/05 R: 03
Claimant: Appellant (2)

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, 4th 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.

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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.4-3 - Able and Available

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated August 9, 2005, reference 04, which held claimant not able and available for work. After due notice, a telephone conference hearing was scheduled for and held on August 25, 2005. Claimant participated personally.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant lives in the city of Ottumwa. Claimant has a bicycle and is able to commute throughout the entire city for employment. Claimant also has access to bus service

within the city. Claimant had previously been commuting about 30 minutes to Fairfield for work. Claimant lost his driver's license and can no longer commute the long distance. Ottumwa has better job opportunities than Fairfield. Claimant is available for full time work in the Ottumwa area.

REASONING AND CONCLUSIONS OF LAW:

The issue in this matter is whether claimant is able and available for work. It is held that claimant is available for work. His employment opportunities are not unduly limited by his lack of a driver's license. Claimant has reliable means of transportation for work within the city of Ottumwa. This is a city of sufficient size to not unduly restrict claimant's employability. Benefits allowed.

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".

Benefits shall be allowed effective July 9, 2005.

DECISION:

The decision of the representative dated August 9 2005, reference 04 is reversed. Claimant is eligible to receive unemployment insurance benefits, effective July 9, 2005, provided claimant meets all other eligibility requirements.

mdm\s