

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**PATRICK F YOUNG**  
Claimant

**PORTLAND CONSTRUCTION COMPANY  
LLC**  
Employer

**APPEAL 21A-UI-08189-JC-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 01/24/21**  
**Claimant: Appellant (1)**

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Iowa Code § 96.4(3) – Ability to and Availability for Work

**STATEMENT OF THE CASE:**

Claimant filed an appeal from the March 16, 2021, (reference 04) unemployment insurance decision that denied benefits. Iowa Workforce Development mailed a notice of hearing to claimant's last address of record. After proper notice, a telephone hearing was conducted on June 15, 2021. Claimant participated. Employer participated through Sandra Ceniseros. The administrative law judge took official notice of the administrative records. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision

**ISSUE:**

Was the claimant able and available for work effective January 24, 2021?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began his employment in November 2020 and last worked on December 16, 2020. At the time, work was available to the claimant and employer did not lay employees off over the winter in 2020-2021 due to work volume. Claimant went to the owner and explained he had no transportation after his co-worker, who gave him a ride to work, was fired. The claimant requested if he could take a layoff and return in the spring. The employer agreed, and claimant resumed employment in April 2021.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant is not able to and available for work effective January 24, 2021.

For an individual to be eligible to receive benefits, he must be able to work, available for work, and actively seeking work as required by the unemployment insurance law. Iowa Code § 96.4(3). The burden is on the claimant to establish that he is able and available for work within the meaning of the statute. Iowa Code § 96.6(2); Iowa Admin. Code r. 871-24.22.

Iowa Admin. Code r. 871-24.23(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).

Iowa Admin. Code r. 871-24.23(16) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(16) Where availability for work is unduly limited because a claimant is not willing to work during the hours in which suitable work for the claimant is available.

Claimant was not involuntarily unemployed due to a lack of work or by no fault of his own. Claimant lost his transportation. Claimant requested and chose to take a voluntary layoff rather than perform work. Employer credibly testified there were no layoffs due to a busy winter. Because there was work available but claimant chose to be laid off, he does not meet the availability requirement to be eligible for benefits for this week, and benefits are denied.

**DECISION:**

The March 16, 2021, (reference 04) unemployment insurance decision denying benefits is affirmed. The claimant was not able and available for work effective January 24, 2021. Regular unemployment insurance benefits funded by the state of Iowa are denied.



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Jennifer L. Beckman  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
Iowa Workforce Development  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax 515-478-3528

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June 28, 2021  
Decision Dated and Mailed

jlb/lj

**NOTE TO CLAIMANT:** Individuals who do not qualify for regular unemployment insurance benefits, but who are unemployed or continue to be unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>. If this decision becomes final or if you are not eligible for PUA, you may have an overpayment of benefits.

**ATTENTION:** On May 11, 2021, Governor Reynolds announced that Iowa will end its participation in federal pandemic-related unemployment benefit programs effective June 12, 2021. The last payable week for PUA in Iowa will be the week ending June 12, 2021. Additional information can be found in the press release at <https://www.iowaworkforcedevelopment.gov/iowa-end-participation-federal-unemployment-benefit-programs-citing-strong-labor-market-and>.

You may find information about food, housing, and other resources at <https://covidrecoveryiowa.org/> or at <https://dhs.iowa.gov/node/3250>

Iowa Finance Authority also has additional resources at <https://www.iowafinance.com/about/covid-19-ifa-recovery-assistance/>