

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building
Fourth floor
Des Moines, Iowa 50319**

ARLENE S LAAKER

Claimant

and

MARTIN LUTHER HOME CORPORATION

Employer

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HEARING NUMBER: 20B-UI-06286

**EMPLOYMENT APPEAL BOARD
DECISION**

NOTICE

THIS DECISION BECOMES FINAL unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT IS FILED WITHIN 30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 96.4-3, 26.23.10

DECISION

UNEMPLOYMENT BENEFITS ARE DENIED

The Claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. The administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED**.

We note that this is an availability case. The issue of the separation from employment has been remanded, and is not determined in this decision. Availability has nothing to do with whether one has good cause or not. If one is unavailable for good cause attributable to the employer, one is still unavailable. There is no good cause exception of availability. If there were the Employment Security Law would be a supplement to Social Security Disability or Workers' Compensation, rather than a benefit paid while one looks for a new work following job loss.

For example, if you live miles from the nearest employer, you drive to work, and your car is wrecked, then you may be found unavailable to work so long as you have no car, regardless of how good your cause is. Thus "[l]ack of transportation, illness or health conditions, illness in family, and child care problems are generally considered to be good cause for refusing work or refusing to apply for work. However, the claimant's availability would be the issue to be determined in these types of cases." 871 IAC 24.24(4). Further rule 24.23(4) provides "[i]f 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." So,

lack of transportation is a good reason for not going to work, but this does not affect the availability analysis. The same is true, for example, with illness. If one is injured at work, and permanently disabled and unable to work as a result, this is good cause for not being available for work, and it is good cause attributable to the employer. But the worker would still not be able to meet the able and available requirements of law and would not be able to collect *unemployment* benefits. 871 IAC 24.23(34). Thus, argument over good cause is misplaced in the case that is before us today.

Ashley R. Koopmans

James M. Strohman

Myron R. Linn

RRA/fnv