

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LAURA L CONNER
Claimant

APPEAL NO. 08A-UI-04023-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/30/08 R: 04
Claimant: Appellant (2)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated April 22, 2008, reference 02, which held claimant not able and available for work. After due notice, a telephone conference hearing was scheduled for and held on May 12, 2008. Claimant participated personally. Exhibit A was admitted into evidence.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant lived 28 miles from work. Claimant had people she could have caught a ride with to work. Claimant's driving suspension expired May 12, 2008. Claimant had the ability to find transportation to and from work on a temporary basis.

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".

Inasmuch as the claimant had reliable transportation to and from work she was able and available. Furthermore, the suspension was temporary and has been lifted effective May 12, 2008. Claimant could have found transportation on a temporary basis. Benefits shall be allowed effective March 30, 2008.

DECISION:

The decision of the representative dated April 22 2008, reference 02 is reversed. Claimant is eligible to receive unemployment insurance benefits, effective March 30, 2008, provided claimant meets all other eligibility requirements.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/css