

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMES A JEFFERSON
Claimant

APPEAL NO. 14A-UI-01872-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 12/15/13
Claimant: Appellant (2)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

The claimant filed an appeal from a representative's decision dated February 17, 2014, reference 02, which held that the claimant was ineligible for unemployment insurance benefits. After due notice, a hearing was held on March 11, 2014, by telephone conference call. The claimant participated personally. This case was heard in conjunction with 14A-UI-01871-VST.

ISSUE:

Whether the claimant is able and available for work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The claimant was laid off from his job with employer OMG Midwest Inc, which does business as American Concrete. The date of the layoff was December 4, 2013. He does not expect to be called back until April or May of 2014. The claimant has lost his license due to a charge of possession of marijuana. Although he does not have a license, he does have available transportation in the event he is able to secure employment.

REASONING AND CONCLUSIONS OF LAW:

871 IAC 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)).

The claimant is eligible for unemployment insurance benefits. He has transportation even though his license has been suspended. He is able and available for work. Benefits are allowed if the claimant meets all other eligibility requirements.

DECISION:

The decision of the representative dated February 17 2014, reference 02, is reversed. Unemployment insurance benefits are allowed, if the claimant is otherwise eligible.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/pjs