

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CODY J DICUS**  
Claimant

**APPEAL NO. 07A-UI-02098-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MAGLOTT COMPANY INC**  
Employer

**OC: 11/26/06 R: 03  
Claimant: Appellant (2)**

Section 96.4(3) – Able and Available

**STATEMENT OF THE CASE:**

Cody Dicus filed an appeal from a representative's decision dated February 19, 2007, reference 01, which held that he did not satisfy the availability requirements of the law. After due notice was issued, a hearing was held by telephone on March 15, 2007. Mr. Dicus participated personally. The employer participated by Connie Von Speegler, President

**ISSUE:**

At issue in this matter is whether Mr. Dicus satisfied the availability requirements of the law as of January 7, 2007.

**FINDINGS OF FACT:**

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Dicus was laid off from his job with Maglott Company, Inc. in December of 2006. After the layoff, he lost his driver's license and will not be eligible for reinstatement until December of 2007. He lives approximately five miles from Cedar Rapids and has friends and family that could provide transportation if he had employment. He conducts his work search through the local Workforce Development office and with local businesses in Cedar Rapids.

**REASONING AND CONCLUSIONS OF LAW:**

The only issue before the administrative law judge is whether Mr. Dicus is able to and available for work as required by Iowa Code section 96.4(3). Although he does not currently have a driver's license, the administrative law judge is satisfied that he has the means of getting to Cedar Rapids, the largest area of employment opportunities near his home. He relies on friends and family members to take him to Cedar Rapids to seek work. The fact that an individual does not have a driver's license does not, in and of itself, render that individual unavailable for work.

Because Mr. Dicus still has the means of getting to areas where he could reasonably expect to find work, no disqualification is imposed. The decision herein only addresses the issue of

availability. The decision denying Mr. Dicus benefits based on his separation from Maglott Company, Inc. was not appealed.

**DECISION:**

The representative's decision dated February 19, 2007, reference 01, is hereby reversed. Mr. Dicus satisfied the availability requirements of the law effective January 7, 2007. Benefits are allowed, provided he satisfies all other conditions of eligibility and provided there are no outstanding disqualifications on his claim.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/css