

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JESSICA A MAYO

Claimant

APPEAL 20A-UI-00815-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEAM STAFFING SOLUTIONS INC

Employer

OC: 12/29/19

Claimant: Appellant (2)

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

Iowa Admin. Code r. 871-24.22(2) – Able & Available - Benefits Eligibility Conditions

STATEMENT OF THE CASE:

The claimant/appellant, Jessica A. Mayo, filed an appeal from the January 24, 2020 (reference 02) Iowa Workforce Development (“IWD”) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on February 12, 2020. The claimant participated personally. The employer, Team Staffing Solutions Inc., registered, but was unavailable when called for the hearing.

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:

Is the claimant able to work and available for work effective December 29, 2019?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant resides in Burlington, Iowa. She does not have a driver’s license and uses the bus or cab rides for transportation if distance is too far to walk. The claimant’s job search includes full-time work in production or manufacturing positions, within the Burlington and West Burlington areas, as well as Fort Madison, as she has a friend who could transport her to/from work in that area. She has no other restrictions to her availability to work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is able and available for work effective December 29, 2019.

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 claimant has the burden to show he is able to work, available for work, and

earnestly and actively seeking work. The unemployment insurance rules require that an individual be physically and mentally able to work in some full time gainful employment, not necessarily in the individual's customary occupation, but a job which is engaged in by others as a means of livelihood. 871 IAC 24.22(1). The rules also provide that an individual is disqualified for being unavailable to work if an individual has a medical report stating the individual is unable to work. 871 IAC 24.23(6).

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).

While it is true the claimant does not possess a driver's license, the claimant has established she has reliable transportation available by way of bus or cab, if job opportunities are beyond walking distance. She has made her weekly job search contacts consistent with her experience. In this case, the evidence satisfactorily establishes she is able to and available for work as defined by the unemployment insurance law. Benefits are allowed, provided she is otherwise eligible.

DECISION:

The unemployment insurance decision dated January 24, 2020, (reference 02) is reversed. The claimant is able and available for work effective December 29, 2019. Benefits are allowed, provided she is otherwise eligible.

Jennifer L. Beckman
Administrative Law Judge
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Decision Dated and Mailed

jlb/scn