

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI	
SARAH K FERGUSON Claimant	APPEAL NO. 13A-UI-09299-S2T
TEAM STAFFING SOLUTIONS INC Employer	ADMINISTRATIVE LAW JUDGE DECISION
	OC: 07/29/12 Claimant: Appellant (1)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Sarah Ferguson (claimant) appealed a representative's August 2, 2013, decision (reference 03) that concluded she was not eligible to receive unemployment insurance benefits because she was waiting for Team Staffing Solutions (employer) to assign her work with a specific employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for September 17, 2013. The claimant did not provide a telephone number for the hearing and, therefore, did not participate. The employer participated by Sarah Fiedler, Human Resources Generalist, and Blake Radel, General Manager.

ISSUE:

The issue is whether the claimant is available for work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant worked for the employer from October 17, 2011, to June 21, 2013. The employer is a temporary agency and during her employment the claimant had one assignment. She was assigned to work at Doran and Ward Printing as a full-time general laborer. She had to quit her assignment on June 21, 2013, due to a personal medical issue. On July 17, 2013, the claimant was released to return to work and began checking in with the employer for work. She told the employer she only wanted to be assigned to work at Doran and Ward Printing because her significant other worked there and she would have transportation issues if she worked anywhere else. Doran and Ward Printing has a fraternization policy and will not allow the claimant to be assigned to work there so long as her significant other is working for them.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes the claimant is not available for work.

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).

871 IAC 24.23(20) provides:

(20) Where availability for work is unduly limited because the claimant is waiting to be recalled to work by a former employer or waiting to go to work for a specific employer and will not consider suitable work with other employers.

When an employee lacks transportation or when she limits her employment to certain employers, she is considered to be unavailable for work. The claimant lacks transportation and limits her employment to all but one employer. She is considered to be unavailable for work as of July 14, 2013. The claimant is disqualified from receiving unemployment insurance benefits beginning on July 14, 2013, due to her unavailability for work.

DECISION:

The representative's August 2, 2013, decision (reference 03) is affirmed. The claimant is disqualified from receiving unemployment insurance benefits because she is not available for work with the employer.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs