

STATE OF MICHIGAN  
EMPLOYMENT SECURITY BOARD OF REVIEW

58611  
In the Matter of the Claim of

THERESA VAN SLOTEN,

Appeal Docket No. B77-19555-58611

Claimant

SEA RAY BOATS,

Employer

DECISION OF BOARD OF REVIEW

In this case, the referee held the claimant ineligible for unemployment benefits for the period May 22, 1977 to August 13, 1977 because the claimant was not available for work under Sections 28(1)(c) and (a) of the MES Act. For the reasons that follow, the referee's decision is modified.

The reason the referee held the claimant ineligible was because she did not have an operable automobile until August 14, 1977. All the elements necessary for availability and attachment to the labor market were satisfied and found to exist by the referee. Despite all the efforts made by claimant to secure employment, the referee felt the lack of an automobile would preclude her from being eligible for benefits.

Nowhere does it state in the Act that possession of an automobile is a prerequisite for collecting benefits. A claimant had to make a reasonable effort to secure employment and in this case this was done by the claimant.

The decision of the referee is hereby modified.

The claimant is eligible for benefits under Section 28 of the Act for the period May 22, 1977 to August 13, 1977.

*Thomas L. Gravelle*

Thomas L. Gravelle, Member

*Jeanne C. Harbour*

Jeanne C. Harbour, Chairperson

JAMES VIVENTI (MEMBER) DISSENTING:

I do not agree with the conclusions reached by the majority of the panel in this matter. It is my opinion that the decision of the referee represents a proper application of the law to the facts of this matter and I would, therefore, affirm the referee's decision.

Dated and mailed at  
Detroit, Michigan on

May 15, 1979

*James Viventi*

James Viventi, Member