

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

SUSAN MARX Claimant CROSSROADS MENTAL HEALTH CENTER Employer	<div>68-0157 (9-06) - 3091078 - EI</div> <div>APPEAL NO: 16A-UI-05831-JE-T</div> <div>ADMINISTRATIVE LAW JUDGE DECISION</div> <div>OC: 04/24/16 Claimant: Appellant (2)</div>
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Section 96.4-3 – Able and Available for Work

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the May 18, 2016, reference 02, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on June 10, 2016. The claimant participated in the hearing. Jennifer Kiesling, Office Manager, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant is able and available for work.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was hired as a full-time support staff employee for Crossroads Mental Health Center on June 22, 2015. She started a leave of absence January 11, 2016, for a non-work related knee replacement surgery and without returning to work she had two subsequent surgeries on her wrists. She was unable to work prior to her separation date of April 28, 2016. The claimant received a full release to return to work without restrictions May 26, 2016.

REASONING AND CONCLUSIONS OF LAW:

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

The claimant has been released to return to work without restrictions. In order to be eligible for benefits, a claimant must be able and available for work. If a claimant suffers a non-work related illness or injury, and is placed under restrictions or other limitations by her treating physician, the employer is not obligated to accommodate those restrictions. (Emphasis added). If the claimant returns to work after receiving a full medical release from the treating physician and the employer has no suitable work available at that time, the claimant would generally be eligible for unemployment benefits at that time. In this case, the claimant's employment was terminated prior to her medical release date and consequently she did not return to the

employer and offer to perform work. Because the claimant received a full release from her treating physician she is considered able and available for work effective the week ending June 4, 2016, as her release date of Thursday, May 26, 2016, occurred after more than half of the work week had passed which renders her ineligible for benefits that week. Benefits are allowed effective the week ending June 4, 2016.

DECISION:

The May 18, 2016, reference 02, decision is reversed. The claimant is able to work and available for work effective the week ending June 4, 2016.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs