

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**VERONICA L MANOS**  
Claimant

**APPEAL NO. 10A-UI-09544-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SCHENKER LOGISTICS INC**  
Employer

**OC: 05/16/10**  
**Claimant: Respondent (1)**

Section 96.4-3 – Eligibility for Benefits

**STATEMENT OF THE CASE:**

Schenker Logistics, Inc. filed a timely appeal from an unemployment insurance decision dated June 24, 2010, reference 01, that allowed benefits to Veronica L. Manos. After due notice was issued, a telephone hearing was held August 26, 2010 with Ms. Manos participating. The employer did not respond to the hearing notice by providing the name and telephone number of a witness.

**ISSUE:**

Is the claimant able to work?

**FINDINGS OF FACT:**

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Veronica L. Manos was last employed by Schenker Logistics, Inc. Due to an injury she is not allowed to drive a forklift for more than four to five hours in a shift; she is not to lift over 50 pounds; and she is not to pull or reach consistently. Ms. Manos is now seeking office work. She has previously worked as a kitchen manager, a cook, and a CNA. She has also worked with the mentally disabled.

**REASONING AND CONCLUSIONS OF LAW:**

The question is whether Ms. Manos meets the eligibility requirement of being able to work. She does.

Iowa Code section 96.4-3 provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

An individual need not be able to perform his or her regular job in order to meet the requirement of being able to work. The evidence must show the existence of at least one job in the individual's local labor market area that the claimant could perform without violating medical restrictions and for which the individual has the requisite job skills by experience, training or education.

The evidence in this record persuades the administrative law judge that Ms. Manos meets that requirement and that she is currently seeking employment consistent with her medical restrictions.

A separate fact-finding decision has disqualified Ms. Manos for benefits based upon her separation from employment with Schenker Logistics, Inc. A hearing before another administrative law judge is now scheduled for September 23, 2010. This hearing and decision have no bearing on the separation issue.

**DECISION:**

The unemployment insurance decision dated June 24, 2010, reference 01, is affirmed. The claimant is entitled to receive unemployment insurance benefits, provided she is otherwise eligible.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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