

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**RENEE D SPRINGER
516 GREENWOOD AVE
NASHUA IA 50658**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 06A-UI-03202-CT
OC: 01/01/06 R: 02
Claimant: Appellant (2)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

Renee Springer filed an appeal from a representative's decision dated March 9, 2006, reference 03, which denied benefits effective January 1, 2006 on a finding that she was not able to work. After due notice was issued, a hearing was held by telephone on April 27, 2006. Ms. Springer participated personally.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: As of January 1, 2006, Ms. Springer was under the care of Dr. Egan who was treating her for a broken hip sustained in July of 2005. In a

document dated December 27, 2005, Ms. Springer was released to resume work activity with the recommendation that she not lift items weighing more than ten pounds. It was also advised that she sit for five to ten minutes each hour.

Ms. Springer has a two-year degree in accounting and has past work experience in the accounting field. She also has experience as an office manager and as a cashier. She is currently seeking office work or work as a cashier.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Springer has satisfied the availability requirements of the law since filing her claim effective January 1, 2006. In order to receive job insurance benefits, an individual must be able to engage in work activity. Iowa Code section 96.4(3). She does not have to be able to perform her normal job, just some form of work that is engaged in by others as a means of livelihood. 871 IAC 24.22(1)

Ms. Springer has a two-year college degree. Her degree demonstrates the aptitude to acquire new skills. Moreover, her degree in accounting presents the possibility for work that is within her medical restrictions. Her condition does not preclude all work activity, only work that involves items weighing more than ten pounds. The administrative law judge concludes that Ms. Springer has the residual capacity to engage in work that is engaged in by others as a means of earning a living. Therefore, she is able to work and has been since filing her claim.

DECISION:

The representative's decision dated March 9, 2006, reference 03, is hereby reversed. Ms. Springer has satisfied the availability requirements of the law since January 1, 2006. Benefits are allowed, provided she satisfies all other conditions of eligibility.

cfc/tjc