

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

ERIC J CHRISTENSEN
Claimant

APPEAL NO: 18A-UI-07014-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

L & C TIRE SERVICE INC
Employer

OC: 05/27/18
Claimant: Appellant (1)

Section 96.4-3 – Able and Available for Work

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the June 21, 2018, reference 01, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on July 17, 2018. The claimant participated in the hearing with his wife/witness Christianne Christensen. Marilyn Lambert, Secretary/Treasurer/Co-Owner, 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 tire and alignment technician for L & C Tire Service, Inc. on February 15, 2010. He injured his back at home May 6, 2018, and was off work from May 7 through June 6, 2018. The claimant was placed on restrictions of no lifting more than 30 pounds and no twisting, bending or stooping. The employer paid the claimant for his ten days of sick leave from May 8 through May 21, 2018. The claimant received a full release to return to work June 6, 2018, and has been working full-time since that date.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is not able and available for work.

The claimant was not released to return to work without restriction until June 6, 2018. 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 his 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. Because the claimant was still under

restrictions, and was still attached to this employer, he is not considered able and available for work from May 7 through June 6, 2018. Accordingly, benefits must be denied.

DECISION:

The June 21, 2018, reference 01, decision is affirmed. The claimant is not considered able to work and available for work from May 7 through June 6, 2018. Consequently, benefits must be denied.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn