

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**AMBROSE S LAWSON**

Claimant

**APPEAL 20A-UI-02715-AW-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TCS E-SERVE INTERNATIONAL LIMITED**

Employer

**OC: 06/23/19**

**Claimant: Appellant (2)**

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Iowa Code § 96.4(3) – A&A – Able to, Available for, Work Search

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment

**STATEMENT OF THE CASE:**

Claimant filed an appeal from the March 20, 2020 (reference 05) unemployment insurance decision that denied benefits effective March 1, 2020 finding claimant was not able to perform work due to injury. The parties were properly notified of the hearing. A telephone hearing was held on April 27, 2020, at 10:00 a.m.. Claimant participated. Employer did not participate. Claimant's Exhibit A was admitted. Official notice was taken of the administrative record.

**ISSUES:**

Whether claimant is able to and available for work effective March 1, 2020.

Whether claimant has been overpaid benefits.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed an initial claim for unemployment insurance benefits effective June 23, 2019 and an additional claim effective March 1, 2020. On March 20, 2020, an unemployment insurance decision was issued finding claimant ineligible for benefits effective March 1, 2020 because he was not able to perform work at that time due to injury. Claimant was released by his physician to return to work as of February 17, 2020; claimant's only restriction was to not lift more than 45 pounds. (Exhibit A) Claimant's last employment did not require him to lift more than 45 pounds. Claimant is seeking employment that matches his education, experience and skills and that does not require him to lift more than 45 pounds. Since March 1, 2020, claimant has remained in the same area and has not been hospitalized or incarcerated. Claimant has transportation to and from work. Claimant has not been self-employed. Claimant has been able to and available for work since March 1, 2020.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant has been able to work and available for work since March 1, 2020.

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".

Iowa Admin. Code r. 871-24.22(1)a provides:

**Benefits eligibility conditions.** For an individual to be eligible to receive benefits the department must find that the individual is able to work, available for work, and earnestly and actively seeking work. The individual bears the burden of establishing that the individual is able to work, available for work, and earnestly and actively seeking work.

**(1) Able to work.** An individual must be physically and mentally able to work in some gainful employment, not necessarily in the individual's customary occupation, but which is engaged in by others as a means of livelihood.

a. *Illness, injury or pregnancy.* Each case is decided upon an individual basis, recognizing that various work opportunities present different physical requirements. A statement from a medical practitioner is considered prima facie evidence of the physical ability of the individual to perform the work required. A pregnant individual must meet the same criteria for determining ableness as do all other individuals.

Claimant has been able to and available for work since March 1, 2020. Accordingly, he is eligible for unemployment insurance benefits. Because claimant is eligible for benefits, the issue of overpayment is moot.

**DECISION:**

The March 20, 2020 (reference 05) unemployment insurance decision is reversed. Claimant has been able to work and available for work since March 1, 2020. Benefits are allowed provided claimant is otherwise eligible. The issue of overpayment is moot.

A handwritten signature in cursive script, appearing to read 'Adrienne C. Williamson', is positioned above a horizontal line.

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Adrienne C. Williamson  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
Iowa Workforce Development  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515)478-3528

April 28, 2020  
Decision Dated and Mailed

acw/scn