

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

KAREN BERTRAND
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 22A-UI-07039-JD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 11/28/21
Claimant: Appellant (4)**

Iowa Code § 96.4(3) Able & Available

STATEMENT OF THE CASE:

On March 23, 2022, Karen Bertrand (claimant/appellant) filed an appeal from the March 15, 2022, reference 03, unemployment insurance decision that concluded she was not able to or available for work effective December 5, 2021. A telephone hearing was held at on May 4, 2022 pursuant to due notice. The claimant, Karen Bertrand, participated and testified. The administrative law judge took official notice of the administrative record.

ISSUE:

Is the claimant able to or available for work?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: Claimant was on a medical restriction effective December 5, 2021 until March 25, 2022 when her physician medically cleared her to return to work with no restriction. The claimant is considered able to and available for work effective March 25, 2022.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant is able to work and available for work effective March 25, 2022.

Iowa Code § 96.4(3) provides:

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

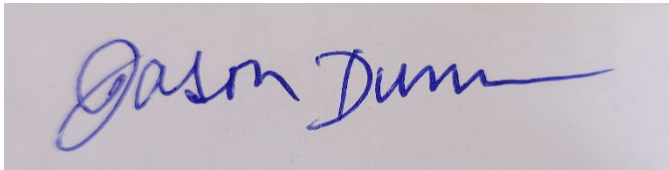
3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph (1), or temporarily unemployed as defined in section 96.19, subsection 38, and

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".

Claimant was cleared to work with no restriction effective March 25, 2022. The claimant was unable and unavailable for work from December 5, 2021, until March 25, 2022.

DECISION:

The March 15, 2022, reference 03, unemployment insurance decision is modified in favor of the appellant. Claimant is not able to or available for work from December 5, 2021, through March 24, 2022. Claimant is deemed able to and available for work effective March 25, 2022.



Jason Dunn
Administrative Law Judge
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May 31, 2022
Decision Dated and Mailed

jd/scn