

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DARYL L CHASE
Claimant

APPEAL NO: 10A-UI-10389-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 06/20/10
Claimant: Appellant (2)

Section 96.4-3 – Able to and Available for Work

STATEMENT OF THE CASE:

The claimant appealed a representative's July 14, 2010 decision (reference 01) that held him ineligible to receive benefits as of June 20, 2010, because he was no longer able to work in his usual occupation and had not established what other work he was able to do. A telephone hearing was held on September 11, 2010. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is the claimant able to do work other than working as a heavy equipment mechanic?

FINDINGS OF FACT:

The claimant has worked primarily as a heavy equipment mechanic. As a result of medical restrictions, he is no longer able to work in this occupation. After the claimant's physician released him to work with some restrictions, the claimant established a claim for benefits during the week of June 20, 2010.

The claimant's restrictions include no lifting more than 35 pounds and no standing for more than five or six hours. With his medical restrictions, the claimant is looking for work in an auto parts store, as an auto parts mechanic, lawn service, delivery person and small engine repairs. The claimant is able to do each of these jobs.

REASONING AND CONCLUSIONS OF LAW:

Each week a claimant files a claim for benefits, he must be able to and available for work. Iowa Code § 96.4-3. The law presumes a claimant is not available for work when he is not willing to accept work in his usual occupation and has failed to establish what other types of work that he can and will perform. 871 IAC 24.23(19).

As a result of medical restrictions, the claimant is no longer able to work as a heavy equipment mechanic. The law does not hold a claimant ineligible to receive benefits just because he is no

longer able to work in his usual occupation. However, when a claimant is no longer able to work in his usual occupation, he must establish what other types of work he can and will perform. Based on the claimant's testimony, he established what other types of work he can do and is willing to perform. Therefore, as of June 20, 2010, the claimant is eligible to receive benefits because he established he is able to and available for work.

DECISION:

The representative's July 14, 2010 decision (reference 01) is reversed. As of June 20, 2010, the claimant is able to and available for work. Even though the claimant can no longer work as a heavy equipment mechanic, he established other jobs that he is applying for that he can do that meets his work restrictions.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css