

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LAURA L DOWNER**  
Claimant

**APPEAL NO. 130-UI-00452-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SEABURY & SMITH INC**  
Employer

**OC: 02/20/11  
Claimant: Appellant (2)**

Section 96.4(3) – Able and Available

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated April 4, 2011, reference 02, that concluded she was not able to and available for work. A telephone hearing was held on March 12, 2013. Proper notice of the hearing was given to the parties. The claimant participated in the hearing. The employer did not participate. Exhibit A was admitted into the record.

**ISSUE:**

Was the claimant able and available for work?

**FINDINGS OF FACT:**

The claimant was employed by the employer as a data administrator from May 2008 to December 17, 2010, when she was discharged due to being off work due to medical issues.

The claimant's treating physician certified in writing on April 8, 2011, that the claimant was released to return to work effective February 1, 2011.

The claimant filed a new claim for unemployment insurance benefits with an effective date of February 20, 2011. After filing for unemployment insurance benefits, the claimant was able to and available for work. She was able to perform her former job and other suitable employment.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant is able to work, available for work, and earnestly and actively seeking work as required by the unemployment insurance law in Iowa Code § 96.4-3. The evidence establishes the claimant was eligible for benefits effective February 20, 2011.

**DECISION:**

The decision of the representative dated April 4, 2011, reference 02, is reversed. The claimant was eligible for benefits effective February 20, 2011.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/pjs