

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SHANE W WELSH
Claimant

WALMART INC
Employer

APPEAL 19A-UI-09954-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 11/17/19
Claimant: Appellant (2)

Iowa Code § 96.4(3) – Ability to and Availability for Work

STATEMENT OF THE CASE:

The claimant/appellant, Shane W. Welsh, filed an appeal from the December 10, 2019 (reference 02) Iowa Workforce Development (“IWD”) unemployment insurance decision that denied benefits because he was determined to be unable to perform work due to illness. The parties were properly notified about the hearing. A telephone hearing was held on January 14, 2020. The hearing was held jointly with Appeal 19A-UI-09953-JC-T. The claimant participated personally. The employer, Walmart Inc., participated through Tony Flemming. Claimant Exhibits A-D were admitted. The administrative law judge took official notice of the administrative records including the fact-finding documents. Based on the evidence, the arguments presented, 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 work and available for work effective November 17, 2019?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant established a claim for benefits after separation from Walmart Inc. where he was a full-time, assistant manager.

Since separation, the claimant has been conducting weekly job search contacts as required. He has not refused any offers of work. He is looking for full-time employment in the Iowa City/Coralville area, and looking for jobs in management and banking, consistent with his management experience. While he has been under a doctor's care in the past year, he has no medical restriction to the type of work he can perform.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is able to and available for work effective November 17, 2019.

For an individual to be eligible to receive benefits, he must be able to work, available for work, and actively seeking work as required by the unemployment insurance law. Iowa Code § 96.4(3). The claimant has the burden to show he is able to work, available for work, and earnestly and actively seeking work. The unemployment insurance rules require that an individual be physically and mentally able to work in some full time gainful employment, not necessarily in the individual's customary occupation, but a job which is engaged in by others as a means of livelihood. 871 IAC 24.22(1).

The claimant has furnished sufficient evidence to establish he is able to and available for work as he conducts his weekly job searches. Accordingly, the administrative law judge concludes he is able to and available for work. Benefits are allowed, provided he is otherwise eligible. (See Appeal 19A-UI-09953-JC-T).

DECISION:

The unemployment insurance decision dated December 10, 2019, (reference 02) is reversed. The claimant is able to and available for work effective November 17, 2019. Benefits are allowed, provided he is otherwise eligible.

Jennifer L. Beckman
Administrative Law Judge
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Decision Dated and Mailed

jlb/scn