

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRAD J WILTMAN
Claimant

APPEAL NO. 13A-UI-13900-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 12/01/13
Claimant: Appellant (2)**

Section 96.4-3 - Able to and Available for Work

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated December 16, 2013, reference 01, that concluded he was not able and available to work. A telephone hearing was held on January 14, 2014. The parties were properly notified about the hearing. The claimant participated in the hearing with a witness, Mitch Altena. Exhibit A was admitted into evidence at the hearing.

ISSUE:

Was the claimant able to and available for work?

FINDINGS OF FACT:

The claimant has worked as a driver for several years for Siouxland Concrete in a full-time seasonal job. He filed for unemployment insurance benefits effective December 1, 2013, after he was laid off until work starts back in approximately mid-April 2014. The employer did not protest the claim for benefits.

In early December 2013, the claimant had a one-time doctor's appointment for a medical issue. The doctor placed no medical restrictions on the claimant that would have prevented him performing his job as a driver. He was and is able and available to work in his normal job. In fact, the claimant was called to perform some fill-in work in January 2014 and returned to perform this work.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is able to work and available for work as required by the unemployment insurance law in Iowa Code § 96.4-3.

The unemployment insurance rules provide that a person must be physically able to work, not necessarily in the individual's customary occupation, but in some reasonably suitable, comparable, gainful, full-time endeavor that is generally available in the labor market.

871 IAC 24.22(1)b. The evidence establishes that the claimant was able to perform gainful work, including work in his customary occupation. He was and is able to and available for work.

DECISION:

The unemployment insurance decision dated December 16, 2013, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css