

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**MARIA RANDLE**  
Claimant

**APPEAL NO. 21A-UI-05602-JT-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 03/22/20**  
**Claimant: Appellant (1)**

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Iowa Code Section 96.4(3) – Able & Available

**STATEMENT OF THE CASE:**

The claimant, Maria Randle, filed a timely appeal from the February 17, 2021, reference 01, decision that denied benefits effective January 17, 2021, based on the deputy's conclusion that the claimant's physician had determined the claimant was unable to work and therefore the claimant did not meet the availability requirements. After due notice was issued, a hearing was held on April 17, 2021. Claimant participated. Exhibits A and B were received into evidence. The administrative law judge took official notice of the following Agency administrative records: KCCO, DBRO, KPYX, WAGE-A, and the claimant's application for PUA benefits.

**ISSUES:**

Whether the claimant was able to work and available for work for the period beginning February 17, 2021.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant established an original claim for benefits that was effective March 22, 2020 and an additional claim for benefits that was effective December 27 2020. The claimant has made weekly claims for each week between March 22, 2020 and April 10, 2020. The claimant has chronic debilitating back pain issues that substantially impact her ability to work and her availability for work. The claimant's primary care provider took the claimant off work effective January 15, 2021 and has not released the claimant to return to work. This followed a progressively more aggressive treatment of the claimant's back pain issues that included steroidal injections, nerve cauterization, prescription pain medicine dose increases, and contemporaneous treatment with muscle relaxers. The claimant has applied for Social Security disability benefits, but has thus far been unsuccessful in that pursuit.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 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, 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".

Iowa Admin. Code r. 871-24.22(2) provides:

Benefits eligibility conditions. For an individual to be eligible to receive benefits the department must find that the individual is able to work, available for work, and earnestly and actively seeking work. The individual bears the burden of establishing that the individual is able to work, available for work, and earnestly and actively seeking work.

(2) Available for work. The availability requirement is satisfied when an individual is willing, able, and ready to accept suitable work which the individual does not have good cause to refuse, that is, the individual is genuinely attached to the labor market. Since, under unemployment insurance laws, it is the availability of an individual that is required to be tested, the labor market must be described in terms of the individual. A labor market for an individual means a market for the type of service which the individual offers in the geographical area in which the individual offers the service. Market in that sense does not mean that job vacancies must exist; the purpose of unemployment insurance is to compensate for lack of job vacancies. It means only that the type of services which an individual is offering is generally performed in the geographical area in which the individual is offering the services.

Iowa Admin. Code r. 871-24.23(35) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(35) Where the claimant is not able to work and is under the care of a medical practitioner and has not been released as being able to work.

Since January 17, 2021, the claimant has been under the care of a primary care provider and specialist, due to serious debilitating back pain that leaves her unable to work and unavailable for work. The claimant does not meet the unemployment insurance eligibility requirements. Benefits are denied effective January 17, 2021.

**DECISION:**

The February 17, 2021, reference 01, decision is affirmed. The claimant has been unable and unavailable for work since January 17, 2020. Benefits are denied effective January 17, 2021.



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James E. Timberland  
Administrative Law Judge

April 21, 2021  
Decision Dated and Mailed

jet/kmj

**NOTE TO CLAIMANT:**

- This decision determines you are not eligible for regular unemployment insurance benefits under state law. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision.
- If you do not qualify for regular unemployment insurance benefits under state law and are currently unemployed for reasons related to COVID-19, you may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** For more information on how to apply for PUA, go to <https://www.iowaworkforcedevelopment.gov/pua-information>.