

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JOSHUA S KOKJOHN**  
Claimant

**APPEAL NO: 14A-UI-11779-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CNH AMERICA LLC**  
Employer

**OC: 10/12/14**  
**Claimant: Appellant (2)**

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

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's November 3, 2014 (reference 02) determination that held him ineligible to receive benefits as of October 12, 2014 because he was injured and unable to work. The claimant participated at the December 4 hearing. Jill Dunlap appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is eligible to receive benefits as of October 12, 2014.

**ISSUE:**

As of October 12, 2014 is the claimant able to and available for work?

**FINDINGS OF FACT:**

The claimant had been working for the employer as a full-time headliner. In this job the claimant installed the ceiling or roof and side posts of a cab and the radios and air conditioning units. The claimant's employment ended as a result of a medical issue.

The claimant established a claim for benefits during the week of October 12, 2014. He could not do any heavy lifting (anything over 100 pounds) then, but he was released to work. As of October 17, 2014 he did not have any work restrictions.

After the claimant established his claim for benefits, he has been looking for full-time work in which he has skills and experience. He has skill and experience as a cook and limited experience in retail. He is not currently looking for work that requires heavy lifting because he does not want to reinjure or aggravate the area he had injured before.

**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 fails to establish what other types of work he can perform. 871 IAC 24.23(19). Even though the claimant is not looking for work like he had

been doing for the employer, he established that his doctor has released him to work and he is looking for full-time work in which he has skills and prior experience. As of October 12, 2014 the claimant established that he is able to and available for work. He is eligible to receive benefits.

**DECISION:**

The representative's November 3, 2014 (reference 02) determination is reversed. The claimant established that as of October 12, 2014 he is able to and available for work. Even though he is not looking for work that he did for the employer, he is looking for full-time work that he has prior experience doing. As of October 12, 2014 the claimant is eligible to receive benefits, provided he meets all other eligibility requirements.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

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