

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMES O HARE
Claimant

APPEAL NO. 14A-UI-04364-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

A H MANAGEMENT LP
Employer

OC: 03/30/14
Claimant: Appellant (4)

Section 96.4-3 - Able to and Available for Work

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated April 18, 2014, reference 02, that concluded he was not able to work. A telephone hearing was held on May 15, 2014. The parties were properly notified about the hearing. The claimant participated in the hearing. No one participated in the hearing on behalf of the employer. Exhibit A was admitted into evidence at the hearing.

ISSUE:

Was the claimant able to and available for work?

FINDINGS OF FACT:

The claimant worked as a maintenance engineer at the Fairfield Inn in Davenport, Iowa, for the employer from July 1995 to April 2, 2014, when he was discharged.

The claimant filed a claim for unemployment insurance benefits effective March 30, 2014. At that time, he was suffering from a back strain that prevented him from working. On April 16, 2014, he was evaluated by a doctor and released to return to work without restrictions.

The claimant's major work experience has been as a custodial. He has been applying for at least two job contacts every week, mostly for custodial positions. He had been willing and able to work in the jobs he has applied for.

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 able to work without restrictions as of April 16, 2014. Since he was able to and available for work for a majority of the week of April 13, 2014, he is eligible for benefits starting that week, provided he is otherwise qualified.

DECISION:

The unemployment insurance decision dated April 18, 2014, reference 02, is modified in favor of the claimant. The claimant is eligible to receive unemployment insurance benefits effective April 13, 2014, if he is otherwise qualified.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css