

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CELESTE A COLUNGA
Claimant

APPEAL NO. 11A-UI-05475-PT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 03/13/11
Claimant: Appellant (4)**

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated April 20, 2011, reference 02, which held claimant was not able and available for work. After due notice, a telephone conference hearing was scheduled for May 13, 2011. Claimant failed to respond to the hearing notice and did not participate.

ISSUE:

The issue in this matter is whether claimant is able and available for work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant submitted a statement from her physician with her appeal letter indicating that as of April 21, 2011 she was medically stable and able to return to work.

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".

The claimant has provided a statement from a physician that she is released to return to work effective April 21, 2011. Benefits are withheld for the week ending April 20, 2011. Benefits shall be allowed effective April 21, 2011 provided claimant is otherwise eligible.

DECISION:

The decision of the representative dated April 20, 2011, reference 02, is modified. Benefits are withheld for the week ending April 20, 2011. Benefits shall be allowed effective April 21, 2011, provided claimant is otherwise eligible.

Ron Pohlman
Administrative Law Judge

Decision Dated and Mailed

rrp/css