

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JERILYN S HIPPEN

Claimant

APPEAL NO: 12A-UI-10304-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 08/05/12

Claimant: Appellant (2)

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

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's August 24, 2012 determination (reference 02) that held her ineligible to receive benefits as of August 5, 2012, because her physician indicated she was unable to work. The claimant participated in the hearing with her attorney, Ernest Kersten. During the hearing, Claimant Exhibits A, B, and C were offered and admitted as evidence. Based on the evidence, the claimant's arguments, and the law, the administrative law judge concludes that as of August 8, the claimant is eligible to receive benefits.

ISSUE:

As of August 8, 2012, is the claimant able to and available for work?

FINDINGS OF FACT:

Before the claimant had hand surgery in late May 2012, she worked as a licensed practical nurse passing meds and lifting clients or residents with the assistance of a lift. The claimant worked with two other people.

On July 11, the claimant's physician released her to work, but restricted her from lifting more than two pounds. On August 8, the claimant's physician modified her work restriction and restricted her from lifting/ pushing or pulling more than ten pounds. (Claimant Exhibit A.)

The claimant established a claim for benefits during the week of August 5, 2012. She looked for work at medical clinics, community social centers, schools, day cares, assisted living centers and nursing homes. (Claimant Exhibit C.) The claimant's physician released her to work for regular work with no restrictions on September 6, 2012. (Claimant Exhibit B.) The claimant has filed weekly claims since August 5, 2012.

REASONING AND CONCLUSIONS OF LAW:

Each week a claimant files a claim for benefits, she must establish that she is able to and available for work to be eligible to receive benefits. Iowa Code § 96.4(3). As of August 8, the claimant established that she was able to and available for work. Even though she had a

ten-pound weight restriction, the evidence establishes that she was able to and available to do work she has work experience doing. As of August 8, the claimant is eligible to receive benefits.

DECISION:

The representative's August 24, 2012 determination (reference 02) is reversed. The claimant established that as of August 8, 2012, she is able to and available for work and eligible to receive benefits.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw