

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

NICOLE B MC WILLIAMS
Claimant

APPEAL NO: 13A-UI-07779-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 05/26/13
Claimant: Appellant (2)

Iowa Code § 96.4(3) –Ability to Work

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's June 24, 2013 determination (reference 04) that held her ineligible to receive benefits as of May 26, 2013, because she was unable to work. The claimant participated at the hearing with her attorney, Andy LeGrant. During the hearing, Claimant Exhibits One and Two were offered and admitted as evidence. Based on the evidence, the claimant's arguments, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is the claimant able to and available for work as of May 26, 2013?

FINDINGS OF FACT:

The claimant was diagnosed with a staph infection on May 1, 2013. The claimant was unable to work until May 10, 2013, when her doctor released her to return to work. (Claimant Exhibit Two.)

The claimant established a claim for benefits during the week of May 26, 2013. The claimant's treating physician verified the claimant has no work restrictions and is capable of working full time. (Claimant Exhibit One.)

REASONING AND CONCLUSIONS OF LAW:

Each week a claimant files a claim for benefits, she must be able to and available for work. Iowa Code § 96.4(3). The law presumes a claimant is not available for work when she has a medical report from a physician stating she is not currently able to work. 871 IAC 24.23(6).

The evidence establishes that in early May 2013 the claimant was unable to work for medical reasons. On May 10, 2013, before the claimant established her claim, her physician released her to work without any restrictions. As of May 26, 2013, the claimant is available for work and is eligible to receive benefits.

DECISION:

The representative's June 24, 2013 determination (reference 04) is reversed. The claimant was released to return to work by her treating physician on May 10, 2013. As of May 26, 2013, the claimant is available for work and eligible to receive benefits, provided she meets all other eligibility requirements.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css