

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SIGOURNEY Y WOLDER**  
Claimant

**APPEAL NO. 13A-UI-10829-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WAL-MART STORES INC**  
Employer

**OC: 08/04/13**  
**Claimant: Appellant (2)**

Iowa Code § 96.4(3) – Able and Available

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the September 16, 2013, (reference 04) unemployment insurance decision that denied benefits. After due notice was issued a hearing was held on October 16, 2013. Claimant participated. Employer did not participate as the employee whose name they called in, Courtney Hilton, had already left for the day. The employer had no other employee they wanted to participate. Kelly Verwers observed the hearing on behalf of the employer.

**ISSUE:**

Is the claimant able to and available for work?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant dislocated her shoulder in a non-work-related incident on July 15. She worked the next day on July 16. She has been able to work since the incident and currently has no work restrictions from any physician. The claimant is able to and available for work.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant is able to work and available for work.

Iowa Code § 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".

Claimant has no medical restriction or other limitation on her employability effective August 4, 2013. Accordingly, benefits are allowed.

**DECISION:**

The September 16, 2013, reference 04, decision is reversed. The claimant is able to work and available for work effective August 4, 2013. Benefits are allowed.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

tkh/pjs