

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LOREN J STEPHENSON
Claimant

APPEAL NO. 07A-UI-01038-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 01/07/07 R: 02
Claimant: Appellant (2)

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

Loren Stephenson filed an appeal from a representative's decision dated January 18, 2007, reference 01, which denied benefits effective January 7, 2007 on a finding that he was not able to work. Due notice was issued scheduling the matter for a hearing by telephone on February 13, 2007. Based on evidence presented prior to the hearing, a hearing was deemed unnecessary. Medical documentation submitted by Mr. Stephenson was admitted as Exhibit A.

ISSUE:

At issue in this matter is whether Mr. Stephenson satisfied the availability requirements of the law as of January 7, 2007.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Stephenson has presented a statement from his doctor verifying that he is able to work effective January 7, 2007. The only restriction is that he not lift items weighing in excess of ten pounds.

REASONING AND CONCLUSIONS OF LAW:

In order to receive job insurance benefits, an individual must be mentally and physically able to work. Iowa Code section 96.4(3). The law does not require that he be able to perform his usual job, only some work that is engaged in by others as a means of livelihood. Mr. Stephenson has been released by his doctor to resume work activity effective January 7, 2007. Therefore, it is concluded that he satisfies the availability requirements of the law.

DECISION:

The representative's decision dated January 18, 2007, reference 01, is hereby reversed. Mr. Stephenson satisfied the availability requirements of the law effective January 7, 2007. Benefits are allowed, provided he satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs