

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LANNY D WHITLATCH
Claimant

APPEAL NO. 13A-UI-08131-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

COMBINED RELOCATION SERVICES LLC
Employer

OC: 06/02/13
Claimant: Appellant (1)

Section 96.4-3 - Able to and Available for Work

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated July 2, 2013, reference 01, that concluded he was not able to and available for work. A telephone hearing was held on August 15, 2013. The parties were properly notified about the hearing. The claimant failed to participate in the hearing. Todd Sharp participated in the hearing on behalf of the employer.

ISSUE:

Was the claimant able to and available for work?

FINDINGS OF FACT:

The claimant worked part time for the employer as truck driver for the employer's household and commercial moving business from May 2012 to May 24, 2013. His job involved driving and moving furniture. He brought in a doctor's excuse taking him off work for two weeks, and then informed the employer that due to breathing problems he was required to be on oxygen, which was not possible for the claimant's job. The claimant has not kept in contact with the employer since that time.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is able to work, available for work, and earnestly and actively seeking work as required by the unemployment insurance law in Iowa Code § 96.4-3. The evidence fails to establish the claimant is able to work, available for work, and earnestly and actively seeking work.

If circumstances change and the claimant believes the disqualification should be lifted, he is required to report to his local Workforce Development Center and present evidence that he is now able to and available for work without substantial restrictions.

DECISION:

The unemployment insurance decision dated July 2, 2013, reference 01, is affirmed. The claimant is ineligible for benefits effective June 2, 2013, and continuing until he presents evidence that he is now able to and available for work without substantial restrictions.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css