

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**AMINA BUSIME**  
Claimant

**APPEAL NO: 18A-UI-07488-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WHIRLPOOL CORPORATION**  
Employer

**OC: 06/10/18**  
**Claimant: Appellant (4R)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the July 9, 2018, reference 02, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on July 31, 2018. The claimant participated in the hearing with CTS Language Link Interpreter Nor (9839). The employer did not respond to the hearing notice and did not participate in the hearing or request a postponement of the hearing as required by the hearing notice. Claimant's Exhibit A was admitted into evidence.

**ISSUE:**

The issue is whether the claimant is able and available for work.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was off work due to pregnancy from June 8, 2018 through July 27, 2018. She was released to return to work without any restrictions by her treating physician effective July 27, 2018 (Claimant's Exhibit A).

There are issues regarding the claimant's separation from this employer that have not yet been heard or adjudicated by the Claims Bureau.

**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 section 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".

The claimant's treating physician released her to return to work without any restrictions effective July 27, 2018. Accordingly, benefits are allowed beginning the week ending August 4, 2018.

There are issues regarding the claimant's separation from this employer that have not yet been heard or adjudicated by the Claims Bureau. The issue of the claimant's separation from this employer is remanded to the Claims Bureau for an initial investigation and determination.

**DECISION:**

The July 9, 2018, reference 02, decision is modified in favor of the claimant. The claimant is able to work and available for work effective July 27, 2018. Benefits are allowed beginning the week ending August 4, 2018. The issue of the claimant's separation from this employer is remanded to the Claims Bureau for an initial investigation and determination.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/rvs