

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

COREY OSTERCAMP
Claimant

APPEAL NO: 17A-UI-02766-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

MASON CITY CLINIC PC
Employer

OC: 01/29/17
Claimant: Appellant (2)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the February 28, 2017, 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 April 5, 2017. The claimant participated in the hearing. Dana Young, Administrator, participated in the hearing on behalf of the employer. Claimant's Exhibit 1 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 had back surgery and was off work from April 13, 2016, through January 26, 2017, the date of his termination from employment. The claimant's physician issued a full release without restrictions to the claimant March 27, 2017.

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 effective the week ending April 1, 2017.

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".

The claimant received a full release from his physician effective March 27, 2017. Accordingly, benefits are allowed effective the week ending April 1, 2017.

DECISION:

The February 28, 2017, reference 02, decision is reversed. The claimant is able to work and available for work effective the week ending April 1, 2017. Benefits are allowed.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/rvs