

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**STEVEN R EGLSEDER**  
Claimant

**APPEAL NO. 11A-UCFE-00026-M2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**US POSTAL SERVICE**  
Employer

**OC: 10/09/10**  
**Claimant: Appellant (5)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated May 11, 2011, reference 01, which held claimant not able and available for work. After due notice, a telephone conference hearing was scheduled for and held on June 16, 2011. Claimant participated personally. Employer failed to respond to the hearing notice and did not participate.

**ISSUE:**

The issue in this matter is whether claimant is able and available for work.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: The claimant has not worked for the Post Office since 2009. He was discharged (per claimant) effective July 1, 2010 while on medical leave as a physician had restricted him from working at the Post Office. That restriction is still in effect. The claimant retired on a disability pension effective January 31, 2011. The claimant is currently helping his son, watching his disabled wife, and is “not actively looking for employment” although willing to accept work if it comes along.

**REASONING AND CONCLUSIONS OF LAW:**

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 is not able and available for work. He is on a disability pension, and is not actively and earnestly seeking employment. Benefits are denied.

**DECISION:**

The decision of the representative dated May 11, 2011 reference 01 is affirmed as modified. Claimant is not eligible to receive unemployment insurance benefits, effective October 3, 2010.

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Stan McElderry  
Administrative Law Judge

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Decision Dated and Mailed

srm/css