

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MEGAN PAYNE**

Claimant

**APPEAL NO: 14A-UI-08100-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 05/11/14**

**Claimant: Appellant (4)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the July 31, 2014, reference 11, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on August 27, 2014. The claimant participated in the hearing. 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 separated from her employer and filed a claim with an effective date of May 11, 2014. She was disqualified from receiving benefits the week ending May 31, 2014, because of medical issues. She had an MRI and received a full release to return to work May 27, 2014.

**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 May 31, 2014.

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 § 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as defined in § 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 § 96.5, subsection 3 are waived if the individual is not disqualified for benefits under § 96.5, subsection 1, paragraph "h".

The claimant received a full release to return to work after her MRI May 27, 2014. Accordingly, benefits are allowed effective the week ending May 31, 2014.

**DECISION:**

The July 31, 2014, reference 11, decision is modified in favor of the claimant. The claimant is able to work and available for work effective the week ending May 31, 2014. Benefits are allowed.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

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