

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BILLY J CURRIER
Claimant

APPEAL NO: 17A-UI-00261-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

JELD-WEN INC
Employer

**OC: 12/0416
Claimant: Appellant (1)**

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Billy Currier (claimant) appealed a representative's December 29, 2016, decision (reference 02) that concluded he was not eligible to receive unemployment insurance benefits because he was unable to work for Jeld-Wen (employer) due to an injury. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for January 31, 2017. The claimant participated personally and through his wife, Tanya Revell-Currier. The employer did not provide a telephone number where it could be reached and therefore, did not participate in the hearing. The claimant offered and Exhibit 1 was received into evidence. Exhibit D-1 was received into evidence.

ISSUE:

The issue is whether the 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 that: The claimant worked for the employer from April 25, 2014, to present. The claimant suffered a non-work-related shoulder injury on August 25, 2016, in which he tore ligaments. The claimant provided a doctor's note to the employer that provided a five-pound weight restriction. The claimant continued to work with the restriction through November 22, 2016. After this date the employer did not have work available for the claimant. The claimant completed an application for short term disability but the application was denied on December 4, 2016. The claimant filed for unemployment insurance benefits with an effective date of December 4, 2016.

Later the claimant determined he would not have surgery. The claimant gave the employer a doctor's note that had a twenty-five-pound weight restriction. The claimant returned to work with restrictions on December 22, 2016. The claimant gave the employer a full release from the doctor on January 11, 2017. He returned to work on January 12, 2016.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes the claimant is not able to perform the regular tasks of his job with the employer from December 4, 2016, to January 10, 2017.

Iowa Admin. Code r. 871-24.23(1) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(1) An individual who is ill and presently not able to perform work due to illness.

When an employee is medically unable to perform all the duties of his job due to illness or infirmity, he is considered to be unavailable for work. The claimant is disqualified from receiving unemployment insurance benefits from December 4, 2016, to January 10, 2017, due to his inability to work without restrictions.

DECISION:

The representative's December 29, 2016, decision (reference 02) is affirmed. The claimant is disqualified from receiving unemployment insurance benefits because he is not available for work with the employer.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/rvs