

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ENVER SULJIC**  
Claimant

**APPEAL NO: 11A-UI-13513-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 02/20/11**

**Claimant: Appellant (2)**

Section 96.4-3 - Able and Available

**STATEMENT OF THE CASE:**

Enver Suljic (claimant) appealed a representative's October 4, 2011 decision (reference 02) that concluded he was not qualified to receive unemployment insurance benefits due to a question about his being able and available for work. A hearing notice was mailed to the claimant's last-known address of record for a telephone hearing to be held on November 15, 2011. This appeal was consolidated for hearing with one related appeal, 11A-UI-13514-DT. Prior to the hearing being held, the administrative law judge determined that no hearing was necessary and a decision was made on the record. Based on a review of the available information and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Was the claimant eligible for unemployment insurance benefits by being able and available for work?

**FINDINGS OF FACT:**

The claimant was seen by a physician and had a procedure on Tuesday, May 17, 2011. He underwent another procedure on Tuesday, May 31, 2011. On Thursday, June 16 and Friday, June 17 he again underwent another procedure and had a hospital stay. He had a final procedure on Wednesday, September 7. His doctor provided a statement on October 19, 2011 indicating that these four days were the only days that he would not have been able to work.

**REASONING AND CONCLUSIONS OF LAW:**

With respect to any week in which unemployment insurance benefits are sought, in order to be eligible the claimant must be able to work, is available for work, and is earnestly and actively seeking work. Iowa Code § 96.4-3. A person is not able and available for work if they are ill or under a doctor's care without being released to return to work. 871 IAC 24.23(1), (35). However, the question as to whether a person is eligible for benefits depends on whether they

are at least able and available for work the majority of the regular workweek. 871 IAC 24.22(2)(h).

While there were individual days during particular weeks in which the claimant was not able and available for work, for the majority of those weeks the claimant was not under any restrictions against working. Benefits are allowed, if the claimant is otherwise eligible.

**DECISION:**

The representative's October 4, 2011 decision (reference 02) is reversed. The claimant was able to work and available for work for the majority of the weeks in which he underwent his medical procedures. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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