

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CHRISTOPHER M CAMPBELL**  
Claimant

**APPEAL NO. 07A-UI-08781-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 12/24/06 R: 03  
Claimant: Appellant (1)**

Section 96.4(3) – Able and Available

**STATEMENT OF THE CASE:**

The claimant, Christopher Campbell, filed an appeal from a decision dated September 12, 2007, reference 04. The decision found him ineligible from receiving unemployment benefits because he was not able and available for work. After due notice was issued, a hearing was held by telephone conference call on October 1, 2007. The claimant participated on his own behalf.

**ISSUE:**

The issue is whether the claimant is able and available for work.

**FINDINGS OF FACT:**

Christopher Campbell filed an additional claim for unemployment benefits with an effective date of August 26, 2007, indicating he had been laid off for lack of work as of August 29, 2007. At the time, the claimant was on a medical leave of absence since August 14, 2007, for a dislocated ankle and a broken leg. He is on short-term disability currently, but has not been released to return to work by his doctor. It is not anticipated he will be released until mid-October 2007 at the very earliest.

The claimant has graduated high school and has one year of junior college. However, all his work experience appears to be in production-type work, which he is currently unable to do as a result of his injury. He would not even be able to return to work with his current employer

**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".

871 IAC 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.

The claimant is currently unable to work because of an injury. He remains under a doctor's care and has not been released to return to work. Under the provisions of the above Administrative Code section, this constitutes unavailability for work and the claimant is ineligible.

**DECISION:**

The representative's decision of September 12, 2007, reference 04, is affirmed. Christopher Campbell is not able and available for work.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/kjw