

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARY HARRISON

Claimant

APPEAL NO: 15A-UI-04094-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

HENRY COUNTY SOLDIERS AND SAILOR

Employer

OC: 03/01/15

Claimant: Appellant (2)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the March 26, 2015, reference 02, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on May 4, 2015. The claimant participated in the hearing with her husband Doug Harrison. The employer provided a telephone number prior to the hearing but was not available at that number at the time of the hearing and did not participate in the hearing or request a postponement of the hearing as required by the hearing notice. 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 was employed with Henry County Soldiers' and Sailor until March 2, 2015. She underwent gallbladder surgery August 8, 2014, and had cornea transplants surgeries on her left eye September 3 and September 23, 2014, and on her right eye December 17, December 31, 2014, and January 6, 2015. She received a full release to return to work effective March 1, 2015. Her employment was terminated March 2, 2015.

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

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 from her treating physician effective March 1, 2015. Accordingly, she is considered able and available for work. Therefore, benefits are allowed.

DECISION:

The March 26, 2015, reference 02, decision is reversed. The claimant is able to work and available for work effective March 1, 2015. Benefits are allowed, provided the claimant is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/css