

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JASON R WOODBURY
Claimant

APPEAL NO. 13A-UI-08494-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

IOWA SELECT FARMS INC
Employer

OC: 12/16/12
Claimant: Appellant (4)

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

The claimant, Jason Woodbury, filed an appeal from a decision dated July 16, 2013, reference 06. The decision found him ineligible to receive unemployment benefits. After due notice was issued a hearing was held by telephone conference call on August 27, 2013. The claimant participated on his own behalf. The employer, Iowa Select Farms, participated by Human Resources Specialists Cathy Rieken and Craig Ward.

ISSUE:

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

FINDINGS OF FACT:

Jason Woodbury was off work under a doctor's orders from June 27 through July 2, 2013. He was released to return to work without restrictions after that date.

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".

The claimant is not able and available for work for the period June 27 through July 5, 2013, due to being under a doctor's care and not able to work.

DECISION:

The representative's decision of July 16, 2013, reference 06, is modified in favor of the appellant. Jason Woodbury is not eligible for unemployment benefits for the period June 27 through July 5, 2013.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs