

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LORENZO THOMPSON
Claimant

SHORT STAFFED INC
Employer

APPEAL 19A-UI-02792-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/10/19
Claimant: Appellant (2)

Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Admin. Code r. 871-24.22 – Able & Available - Benefits Eligibility Conditions

STATEMENT OF THE CASE:

The claimant filed an appeal from the March 27, 2019, (reference 07) representative decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on April 23, 2019. Claimant participated. Employer participated through Ashley Arhendsen, Payroll Manager. Official notice was taken of agency records.

ISSUE:

Is the claimant able to and available for work?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: According to the fact-finder's notes made during the fact-finding interview regarding the claimant's separation from employment, the claimant told the fact-finder he was going to have surgery on the 8th. At hearing claimant denied any medical treatment or any surgery since he was separated from employment with Short Staffed.

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 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".

No evidence established the claimant has any medical condition that is limiting his ability to work. Accordingly, benefits are allowed, **provided the claimant is otherwise eligible.**

DECISION:

The March 27, 2019, (reference 07) decision is reversed. The claimant is able to work and available for work. Benefits are allowed, **provided the claimant is otherwise eligible.**

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/rvs