

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**GAYLN T HALL**

Claimant

**APPEAL NO: 14A-UI-04773-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CAPITAL CITY EQUIPMENT COMPANY**

Employer

**OC: 12/01/13**

**Claimant: Appellant (4)**

Iowa Code § 96.4(3) – Ability to and Availability for Work

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's May 1, 2014 determination (reference 04) that held him ineligible to receive benefits as of March 16, 2014, because he was unable to work as the result of an injury. The claimant participated at the May 28 hearing with his witness, Travis Woster. Mark Kruse, the president/manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is eligible to receive benefits for the weeks ending March 22 and 29; he is not eligible to receive benefits from March 30 through May 16, 2014; and he is eligible to receive benefits as of May 11, 2014.

**ISSUE:**

As of March 16, 2014, is the claimant unable to and unavailable for work?

**FINDINGS OF FACT:**

The claimant established a claim for benefits during the week of December 1, 2013. The employer hired him to work as needed. The claimant did not have any work restrictions as of March 16 and performed all the work the employer had available for him to do for the weeks ending March 22 and 29, 2014.

The claimant filed claims for partial benefits for the weeks ending March 22 and 29. The claimant had surgery on March 31. His physician released him to return to work without any restrictions on May 12, 2014. The claimant did not file any weekly claims for the weeks ending April 5 through May 10, 2014. The claimant reopened his claim for benefits the week of May 11, 2014.

**REASONING AND CONCLUSIONS OF LAW:**

Each week a claimant files a claim for benefits, he must be able to and available for work. Iowa Code § 96.4(3). The claimant established that for the weeks he filed weekly claims, he did not have any work restrictions and worked as many hours as the employer had work for him to do. When the claimant had surgery and recovered from the surgery, he did not file any weekly

claims. The claimant established he is eligible to receive benefits for the weeks ending March 22 and 29. He did not file any weekly claims for the weeks ending April 5 through May 10 and was not able to or available for work during these weeks. The claimant was again eligible to receive benefits as of May 11, 2014.

(Note to employer: The administrative records indicate that a representative's December 13, 2013 determination (reference 01) held the employer's account was not subject to charge during the claimant's current benefit year.)

**DECISION:**

The representative's May 1, 2014 determination (reference 04) is modified in the claimant's favor. The claimant is eligible to receive benefits for the weeks ending March 22 and 29. He is not eligible to receive benefits and did not file any claims for the weeks ending April 5 through May 10, 2014. As of May 11, 2014, when his physician released him to work without any work restrictions and the claimant worked as many hours as the employer offered him, he is eligible to receive benefits.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs