

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**STEVE A ANGLIN**  
Claimant

**APPEAL NO: 20A-UI-10478-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 12/22/19**  
**Claimant: Appellant (4)**

Section 96.4-3 – Able and Available for Work  
871 IAC 24.23(35) – Able and Available - Medical

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the August 26, 2020, 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 October 15, 2020. The claimant participated in the hearing.

**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 suffered a stroke June 18, 2020, and was in the hospital for five days. He was released from the hospital and has been able and available for work since the week ending July 4, 2020.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant is able and available for work effective the week ending July 4, 2020.

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".

Iowa Admin. Code r. 871-24.23(26) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(35) Where the claimant is not able to work and is under the care of a medical practitioner and has not been released as being able to work.

The claimant suffered a stroke June 18, 2020. He was separated from his last employer and was collecting unemployment at the time. The claimant was released to return to work with lifting restrictions of 15 to 20 pounds. In order to be eligible for benefits, a claimant must be able and available for work. The claimant was not able and available for work the week ending June 27, 2020, but was able and available for work after that date. Accordingly, benefits are allowed effective the week ending July 4, 2020.

**DECISION:**

The August 26, 2020, reference 02, decision is modified in favor of the claimant. The claimant was not able to work and available for work effective the week ending June 27, 2020. He is able and available for work effective the week ending July 4, 2020.



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Julie Elder  
Administrative Law Judge

October 16, 2020  
Decision Dated and Mailed

je/sam