

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MICHAEL L WILSON**  
Claimant

**APPEAL NO: 12A-UI-03067-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CRST VAN EXPEDITED INC**  
Employer

**OC: 01/08/12**  
**Claimant: Appellant (2)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Michael Wilson (claimant) appealed a representative's March 20, 2012 decision (reference 01) that concluded he was not eligible to receive unemployment insurance benefits because he was unable to work with CRST Van Expedited (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for April 11, 2012. The claimant was represented by Benjamin Humphrey, Attorney at Law, and participated personally. The employer did not provide a telephone number where it could be reached and therefore, did not participate in the hearing.

**ISSUE:**

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

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant worked for the employer from October 22, 2010, to January 4, 2011. The claimant suffered a work-related injury on November 19, 2010. His physician released him to return to work with restrictions on January 4, 2011. The employer did not have work available for the claimant after January 4, 2011. The claimant filed for unemployment insurance benefits with an effective date of January 8, 2012. The claimant is still released to return to work with restrictions.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes the claimant is able and available for work.

871 IAC 24.23(1) provides:

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

(1) An individual who is ill and presently not able to perform work due to illness.

When an employee is ill or injured and unable to perform work due to that medical issue, he is considered to be unavailable for work. The claimant was released to return to work with restrictions by his physician. He is considered to be available for work because his physician stated he was able and available for work. The claimant is not disqualified from receiving unemployment insurance benefits.

**DECISION:**

The representative's March 20, 2012 decision (reference 01) is reversed. The claimant is qualified to receive unemployment insurance benefits because he is able and available for work.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

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