

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SANDRA K BEECHY
Claimant

BURGESS HEALTH CENTER
Employer

APPEAL 16A-UI-09984-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 08/07/16
Claimant: Respondent (1)

Iowa Code § 96.4(3) – Able and Available

STATEMENT OF THE CASE:

The employer/appellant filed an appeal from the September 7, 2016 (reference 03) unemployment insurance decision that found claimant was available for work and medically able to work. The parties were properly notified of the hearing. A telephone hearing was held on September 28, 2016. The claimant, Sandra K. Beechy, did not participate. The employer, Burgess Health Center, participated through Director of Human Resources Erin Brekke. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits file. Department Exhibit D1 was admitted. Employer's Exhibits 1 through 5 were admitted.

ISSUE:

Is the claimant able to work and available for work?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The facts in this matter are undisputed. Claimant was employed full-time for this employer from March 8, 1993 and was separated on March 30, 2016. Claimant's last day physically worked on the job was June 8, 2015. Claimant was not able to work beginning June 9, 2015 due to a medical condition. On August 29, 2016 claimant was released to work full-time by her physician. See Exhibit D1.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes as follows:

Iowa Code § 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 § 96.19,

subsection 38, paragraph "b", subparagraph 1, or temporarily unemployed as defined in § 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 § 96.5, subsection 3 are waived if the individual is not disqualified for benefits under § 96.5, subsection 1, paragraph "h".

The claimant is medically able to and available for work beginning August 29, 2016. See Exhibit D1.

DECISION:

The September 7, 2016 (reference 03) decision is affirmed. The claimant is medically able to work and available for work effective August 29, 2016. Benefits are allowed, provided she is otherwise eligible.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

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