

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JULIA A DUNN
Claimant

APPEAL NO. 11A-UI-03272-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ELECTROLUX HOME PRODUCTS INC
Employer

OC: 12/26/10
Claimant: Appellant (2)

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

Julia Dunn filed an appeal from a representative's decision dated March 14, 2011, reference 03, which denied benefits on a finding that she was on a requested leave of absence. After due notice was issued, a hearing was held by telephone on April 6, 2011. Ms. Dunn participated personally. The employer did not respond to the notice of hearing.

ISSUE:

At issue in this matter is whether Ms. Dunn satisfies the availability requirements of the law.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Dunn worked for Electrolux for 23 years ending March 9, 2009. She was last employed full time as a line inspector. The employer began laying off individuals in anticipation of closing the plant. Because she had medical restrictions, Ms. Dunn was laid off and told her job was no longer available to her.

Ms. Dunn sustained an injury to her leg while working for Electrolux approximately five years before her separation. She was released to return to work two to three months later with the recommendation that she not engage in prolonged sitting or standing. She was allowed to sit and stand at will while she performed her job. She did not at any point request a leave of absence or sign paperwork indicating she was on a leave of absence.

REASONING AND CONCLUSIONS OF LAW:

In order to receive job insurance benefits, an individual must be able to work. Iowa Code § 96.4(3). Ms. Dunn was not on a requested leave of absence as found by the representative's decision. She was laid off because the employer planned to close the facility where she worked. It is true that she had limitations on her work activities at the time of separation. However, she had worked successfully for five years in spite of her limitations. The administrative law judge believes this adequately establishes that she retains the physical ability to work.

Inasmuch as Ms. Dunn was not voluntarily unemployed and retained the capacity for work activity, she is entitled to job insurance benefits.

DECISION:

The representative's decision dated March 14, 2011, reference 03, is hereby reversed. Ms. Dunn satisfied the availability requirements of the law effective December 26, 2010. Benefits are allowed, provided she is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs