

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANTONIA M REYNOLDS
Claimant

APPEAL NO. 08A-UI-10007-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 09/14/08 R: 02
Claimant: Appellant (2)

Section 96.3 – Able and Available for Work

STATEMENT OF THE CASE:

Antonia Reynolds filed an appeal from a representative's decision dated October 22, 2008, reference 02, which held her ineligible to receive unemployment insurance benefits effective September 14, 2008 upon a finding that the claimant was not able to perform work. After due notice was issued, a hearing was held by telephone on November 13, 2008. Ms. Reynolds participated personally. Exhibits One and Two were received into evidence.

ISSUE:

At issue in this matter 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: The claimant, Ms. Reynolds, opened a claim for unemployment insurance benefits effective September 14, 2008 and was provided the customary informational brochures that explain the unemployment system. Ms. Reynolds had been advised to leave previous employment by her physician and the claimant's physician initially made a statement that the claimant was not able to work. Ms. Reynolds had not been advised by her physician that she was not able to work in general employment, but only advised that she was not able to work at a specific previous employer. Ms. Reynolds actively and earnestly sought work beginning on or about September 14, 2008 and contacted perspective employers each week that she claimed unemployment insurance benefits. Subsequently on October 24, 2008 the claimant's physician, Dawn M. Schissel, M.D. verified that the claimant was able to work. (See Exhibit One). On November 3, 2008, Dr. Schissel submitted a second statement of explanation verifying that the claimant was able to work from September 14, 2008. (See Exhibit Two).

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in the record establishes that Ms. Reynolds has been able and available for work effective September 14, 2008. It does.

The evidence in the record establishes that the claimant was able and available for work in the general labor force beginning on or about September 14, 2008 and that the claimant has actively and earnestly sought reemployment by contacting perspective employers each week that she claimed benefits.

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".

For the reasons stated herein the administrative law judge concludes that the claimant is able and available for work effective on or about September 14, 2008. Unemployment insurance benefits are allowed providing the claimant meets all other eligibility requirements of Iowa law.

DECISION:

The representative's decision dated October 22, 2008, reference 02, is reversed. The claimant is able and available for work. Unemployment insurance benefits are allowed as of September 14, 2008, providing the claimant meets all other eligibility requirements of Iowa law.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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