

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**HEIDI GLASSINGER**  
Claimant

**APPEAL NO: 15A-UI-05442-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**RGIS LLC**  
Employer

**OC: 04/19/15  
Claimant: Appellant (2)**

Section 96.4-3 – Able and Available for Work

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the May 5, 2015, reference 05, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on June 11, 2015. The claimant participated in the hearing. The employer did not respond to the hearing notice and did not participate in the hearing or request a postponement of the hearing as required by the hearing notice.

**ISSUE:**

The issue is whether the claimant is able and available.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a part-time auditor for RGIS from November 14, 2014 to December 21, 2014. While the claimant was performing inventory for the employer in Grinnell December 21, 2014, her left knee began hurting severely and she could not stand up without assistance. Her knee had swollen to three times its normal size.

The claimant sought medical treatment December 22, 2014, and was excused from work for one week until December 29, 2014. The claimant called the employer December 29, 2014, and asked if she could perform her work while sitting down and the employer told her she could not do so. The claimant assumed at that time she no longer had a job with the employer.

The claimant is able to perform any job that allows her to sit down at this time.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant is able and available for work.

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 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".

While the claimant may not have been able to perform her previous job because it required her to stand for hours at a time, she is able to perform many jobs that allow her to sit the majority of the time. The claimant is not required to be able and available for her previous job but must be able to perform some type of work. For that reason, the administrative law judge concludes the claimant is able and available for work.

**DECISION:**

The May 5, 2015, reference 05, decision is reversed. The claimant is able and available for work. Benefits are allowed, provided the claimant is otherwise eligible.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/pjs