

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CASSANDRA L LOBBERECHT
Claimant

APPEAL NO. 12A-UI-10165-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

LIQUIDAGENTS HEALTHCARE
Employer

OC: 04/01/12
Claimant: Appellant (2)

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

An appeal was filed from an unemployment insurance decision dated August 9, 2012, reference 08, that concluded the claimant was ineligible for unemployment benefits. A telephone hearing was scheduled for September 17, 2012. The claimant participated on her own behalf. The employer did not provide a telephone number where a witness could be contacted and did not participate.

ISSUE:

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

FINDINGS OF FACT:

Cassandra Lobberecht filed a claim for unemployment benefits with an effective date of April 1, 2012. She had surgery on her right shoulder January 9, 2012, and was released to return to work without restrictions April 1, 2012.

REASONING AND CONCLUSIONS OF LAW:

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".

The claimant was released to return to work without restrictions effective the same day she filed a claim for unemployment benefits. She is therefore able and available for work and eligible for unemployment benefits.

DECISION:

The representative's decision of August 9, 2012, reference 08, is reversed. Cassandra Lobberecht is able and available for work and eligible for unemployment benefits.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw