

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**PAUL E GROUETTE**  
Claimant

**APPEAL NO: 14A-UI-12482-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CITY OF MASON CITY**  
Employer

**OC: 11/09/14**  
**Claimant: Appellant (2)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the December 2, 2014, reference 04, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on December 24, 2014. The claimant participated in the hearing. Cheri Collins, Human Resources Assistant, participated in the hearing on behalf of the employer.

**ISSUE:**

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

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed by the City of Mason City as a part-time airport mechanic from August 20, 2012 through September 23, 2014. He suffered a work-related injury, underwent surgery, and experienced complications. He could no longer perform the essential functions of his job and the employer could not accommodate his restrictions so he separated from his employment with Mason City on September 23, 2014.

The claimant received a release with permanent restrictions July 16, 2014. He is able to perform other types of work but cannot perform the essential functions of his previous job.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant is able to work 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 cannot perform the essential functions of his previous job, he is able and available to perform other work. Accordingly, benefits are allowed.

**DECISION:**

The December 2, 2014, reference 04, decision is reversed. The claimant is able to work and available for work effective November 9, 2014. 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

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