

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JULIAN ROBY
Claimant

DEERE & COMPANY
Employer

APPEAL 21A-UI-21715-JC-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 08/22/21
Claimant: Appellant (2)

Iowa Code § 96.4(3) – Able to and Available for Work

STATEMENT OF THE CASE:

The claimant/appellant, Julian Roby, filed an appeal from the September 21, 2021 (reference 01) Iowa Workforce Development (“IWD”) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on November 19, 2021. The claimant participated personally. The employer did not respond to the notice of hearing to furnish a phone number with the Appeals Bureau and did not participate in the hearing.

The administrative law judge took official notice of the administrative records. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Was the claimant able to work and available for work effective August 22-28, 2021?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant worked for the employer from 2007 until June 11, 2021 as a full-time laborer. The issue of claimant’s permanent separation has not yet been addressed by the Benefits Bureau.

Claimant established his claim for benefits with an effective date of August 22, 2021 after visiting a doctor for a consultation and learning his employment with this employer had ended and his insurance had been cancelled. For the week of August 22-28, 2021, claimant was under medical restrictions which limited his ability to lift, push and pull. However, claimant was able to perform other jobs within his skill set and experience, even with the restrictions. Claimant applied for several HVAC jobs during the week, had no other restrictions to employability for the week and did not refuse any offers of employment.

Claimant is currently a full-time student with Hawkeye Community College but is still able to work full-time, provided it is second or third shift.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was able to and available for work effective August 22-28, 2021.

For an individual to be eligible to receive benefits, he must be able to work, available for work, and actively seeking work as required by the unemployment insurance law. Iowa Code § 96.4(3). The burden is on the claimant to establish that he is able and available for work within the meaning of the statute. Iowa Code § 96.6(2); Iowa Admin. Code r. 871-24.22.

The undisputed evidence is claimant had separated from this employer at the time he filed his weekly claim for benefits for the week of August 22-28, 2021. Claimant has credibly testified he was able to perform full-time work with the medical restrictions he had, even if it was not in the same capacity as he held at the employer. Claimant has met his burden of proof to establish he was able to and available for work for the week ending August 28, 2021. Benefits are allowed, provided he is otherwise eligible.

The issue of claimant's permanent separation from Deere & Company is remanded to the Benefits Bureau for investigation.

DECISION:

The unemployment insurance decision dated September 21, 2021, (reference 01) is REVERSED. The claimant was able and available for work effective August 22, 2021. Benefits are allowed, provided he is otherwise eligible.



Jennifer L. Beckman
Administrative Law Judge
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December 28, 2021
Decision Dated and Mailed

jlb/mh