

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**POLLY A BOWERS**  
Claimant

**APPEAL NO. 11A-UI-03978-M2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**XPAC**  
Employer

**OC: 02/13/11  
Claimant: Respondent (1)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Employer filed an appeal from a decision of a representative dated March 25, 2011, reference 04, which held claimant able and available for work for the week beginning March 20, 2011. After due notice, a telephone conference hearing was scheduled for and held on April 20, 2011. Claimant participated personally. Employer participated.

**ISSUE:**

The issue in this matter is whether claimant is able and available for work.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds: The claimant was medically released to return to work effective March 23, 2011, the majority of the week beginning March 20, 2011. She is actively seeking work.

**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 treating physician has released the claimant to return to work effective March 23, 2011. The claimant, as such, has established the ability to work. Benefits shall be allowed effective March 20, 2011.

**DECISION:**

The decision of the representative dated March 25, 2011, reference 04, is affirmed. Claimant is eligible to receive unemployment insurance benefits, effective March 20, 2011, provided claimant meets all other eligibility requirements.

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Stan McElderry  
Administrative Law Judge

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Decision Dated and Mailed

srm/kjw