

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI	
KIT F SCHNEIDERS Claimant	APPEAL NO. 10A-UI-05033-MT
IOWA WORKFORCE DEVELOPMENT DEPARTMENT	ADMINISTRATIVE LAW JUDGE DECISION
	OC: 06/22/08 Claimant: Appellant (2)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated March 24, 2010, reference 01, which held claimant not able and available for work. After due notice, a telephone conference hearing was scheduled for and held on April 16, 2010. Claimant participated personally and was represented by Don Gottschalk, Attorney at Law.

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 considered all of the evidence in the record, finds: Claimant is in department approved training. Claimant was hospitalized for one week ending March 27, 2010. Claimant resumed his normal studies effective March 28, 2010.

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".

Inasmuch as the treating physician has released the claimant to return to school, the claimant has established the ability to work. Benefits are withheld for the one week ending March 27, 2010. Benefits shall be allowed effective March 28, 2010.

DECISION:

The decision of the representative dated March 24 2010, reference 01, is reversed. Claimant is not eligible to receive unemployment insurance benefits, effective the one week ending March 27, 2010. Benefits shall be allowed effective March 28, 2010 as claimant is able to resume normal school activities.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/css