

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BILLIE J MANN
Claimant

APPEAL NO. 10A-UI-09294-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**HOPE HAVEN AREA DEVELOPMENT
CENTER CORP**
Employer

OC: 05/09/10
Claimant: Respondent (1)

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

The employer, Hope Haven, filed an appeal from a decision dated June 23, 2010, reference 01. The decision allowed benefits to the claimant, Billie Mann. After due notice was issued, a hearing was held by telephone conference call on August 13, 2010. The claimant did not provide a telephone number where she could be contacted and did not participate. The employer participated by Human Resources Director Cheryl Stevens and Assistant Administrator Deanne Fields.

ISSUE:

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

FINDINGS OF FACT:

The claimant was injured on the job and released with final restrictions of no repetitive lifting, pulling or pushing more than ten pounds, and no work above chest level.

She worked on light duty within those restrictions from July 6, 2009 until May 13, 2010. These are her final restrictions as of April 29, 2010, at which time she had reached maximum medical improvement with a five percent overall impairment rating.

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 is able to do some work within her restrictions, as evidenced by the fact she did light duty for this employer for nine months before final separation. In addition, she has only a five percent overall impairment. The administrative law judge considers the claimant to be available for work in the labor market generally.

DECISION:

The representative's decision of June 23, 2010, reference 01, is affirmed. Billie Mann is able and available for work and eligible for unemployment benefits.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw