

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LISA A MINK
Claimant

APPEAL NO. 12A-UI-12995-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

DOLLY'S TAXI LLC
Employer

OC: 09/23/12
Claimant: Appellant (2)

Section 96.4-3 – Eligibility for Benefits

STATEMENT OF THE CASE:

Lisa A. Mink filed a timely appeal from an unemployment insurance decision dated October 18, 2012, reference 06, that denied benefits to her upon a finding that she was medically unable to work. After due notice was issued, a telephone hearing was held November 19, 2012 with Ms. Mink participating. Exhibit A was admitted into evidence on her behalf. The employer, Dolly's Taxi, LLC, provided the name and telephone number of a witness. That number was answered by a recording at the time of the hearing. The administrative law judge left a message for the witness to call while the hearing was in progress if he wished to participate. There was no contact from the employer prior to the end of the hearing.

ISSUE:

Is the claimant eligible to receive unemployment insurance benefits?

FINDINGS OF FACT:

Lisa A Mink suffers from degenerative disc disease in her spine. Her physician restricts her from standing or sitting in one position for more than 30 minutes without changing positions for at least an additional 10 minutes. During the week before the hearing, Ms. Mink applied for positions at a Payday Loan business and a pawn shop. The clerk positions she applied for would be consistent with her medical restrictions. Ms. Mink has worked similar jobs in the past.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the claimant meets the eligibility requirement of being medically able to work. She does.

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".

While the evidence in the record establishes medical restrictions that limit the type of work Ms. Mink can perform, the restrictions are not so onerous as to prevent her from working completely. She has established the existence of jobs meeting her medical restrictions and for which she has the requisite job skills. Benefits are allowed.

DECISION:

The unemployment insurance decision dated October 18, 2012, reference 06, is reversed. The claimant is entitled to receive unemployment insurance benefits, provided she is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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