

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROGER L CRANE
Claimant

APPEAL NO. 12A-UI-05172-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

KRESTENA INC
Employer

OC: 04/01/12
Claimant: Respondent (1)

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

The employer, Krestena, filed an appeal from a decision dated April 27, 2012, reference 01. The decision allowed benefits to the claimant, Roger Crane. After due notice was issued, a hearing was held by telephone conference call on May 29, 2012. The claimant participated on his own behalf. The employer participated by Owner Mike Gotsis.

ISSUE:

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

FINDINGS OF FACT:

Roger Crane began employment with Krestena, Inc. on December 16, 2010, as a full-time dishwasher. He went on an approved medical leave of absence January 15, 2012, because of problems with his legs. He was released by his doctor to return to work without restrictions on March 21, 2012, and he mailed the release on March 26, 2012, and the employer received it a day or two later.

The company was not able to return him to work immediately, as the schedule had to be rearranged to give him his regular hours. He returned to work full-time on April 21, 2012. He filed a claim for unemployment benefits with an effective date of April 1, 2012.

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 notified the employer approximately March 27, 2012, he was able and available to return to work, but no work could be scheduled for him right away. He is therefore eligible for benefits for the two-week period ending April 14, 2012.

DECISION:

The representative's decision of April 27, 2012, reference 01, is affirmed. Roger Crane is qualified for benefits for the two-week period ending April 14, 2012, provided he is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw