

September 1, 2000 as a part-time van driver. He worked approximately 20 hours each week. On June 22, 2005, his doctor advised that he could no longer drive the van because of his medical condition. He was experiencing complications from his diabetes. The doctor advised that he was able to engage in a different job that did not involve working around heavy machinery. Based on the doctor's recommendation, the employer relieved Mr. Weiss of his driving job.

Mr. Weiss was invited to apply for other available positions at Opportunity Village. He has interviewed for at least two positions but was not selected for either. He has work experience in woodworking, welding, plumbing, and electrical work. He has been seeking work in convenience stores and garages. He has also sought maintenance work.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Weiss is able to and available for work as required by Iowa Code section 96.4(3). It is undisputed that he cannot return to his former job driving the van for Opportunity Village. However, he is not precluded from all work activity. His doctor has indicated that he can perform other work as long as it is not around heavy machinery. An individual does not have to be physically and mentally able to engage in his former occupation in order to be considered available for work. As long as he is able to engage in some work activity that is engaged in by others as a means of livelihood, he is available for work within the meaning of the law. See 871 IAC 24.22(1).

Mr. Weiss retains the functional capacity to engage in work activity. He has skills in a number of areas in which he could find employment. For the reasons stated herein, it is concluded that he satisfied the availability requirements of the law as of the effective date of his claim for job insurance benefits, August 14, 2005. Accordingly, benefits are allowed.

DECISION:

The representative's decision dated September 8, 2005, reference 01, is hereby affirmed. Mr. Weiss was able to work effective August 14, 2005. Benefits are allowed, provided he satisfies all other conditions of eligibility.

cfc/pjs