

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

LAURA E ANDRESEN
Claimant

APPEAL NO: 19A-UI-01042-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

WHIRLPOOL CORPORATION
Employer

OC: 12/23/18
Claimant: Appellant (1)

Section 96.4-3 – Able and Available for Work

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the January 28, 2019, reference 01, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on February 20, 2019. The claimant participated in the hearing. The employer provided a telephone number prior to the hearing but was not available at that number at the time of the hearing and did not participate in the hearing.

ISSUE:

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

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was hired as a full-time cab fabrication set up and operator for Whirlpool Corporation on March 12, 2015. She injured her left arm in June 2017 and the employer assigned her to work light duty until February 6, 2018, when it was determined her injury was not work related. The claimant began seeing her own physician and was restricted to not lifting more than two pounds and keeping her left arm at her side. She has not received a full release to return to work at this time.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is not able and available for work.

The claimant has not been released to return to work without restriction. In order to be eligible for benefits, a claimant must be able and available for work. If a claimant suffers a non-work related illness or injury, and is placed under restrictions or other limitations by her treating physician, the employer is not obligated to accommodate those restrictions. (Emphasis added). If the claimant returns to work after receiving a full medical release from the treating physician and the employer has no suitable work available at that time, the claimant would generally be

eligible for unemployment benefits. Because the claimant is still under restrictions, she is not considered able and available for work at this time. Accordingly, benefits must be denied.

DECISION:

The January 28, 2019, reference 01, decision is affirmed. The claimant is not able to work and available for work. Consequently, benefits must be denied.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn