

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KAROLYN L MIRACLE
Claimant

APPEAL NO: 15A-UI-09335-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

UFP TECHNOLOGIES INC
Employer

OC: 07/12/15
Claimant: Appellant (2)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Karolyn Miracle (claimant) appealed a representative's August 13, 2015, decision (reference 02) that concluded she was not eligible to receive unemployment insurance benefits because she was unable to work with UFP Technologies (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for September 4, 2015. The claimant was represented by Kevin Halligan, Attorney at Law, and participated personally. The employer was represented by Scott Keith, Hearings Representative, and participated by Stephanie Wiese, Human Resources Representative. The claimant offered and Exhibit A was received into evidence.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant worked for the employer from August 10, 2004, to July 8, 2015. In November 2014, the claimant was injured at work. On July 7, 2015, the claimant's physician released her to return to work with a ten-pound weight restriction and other restrictions on her movement. The employer had light-duty work for her. On August 8, 2015, the claimant's physician issued her another release to return to work with a ten-pound weight restriction and restrictions on her movements.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes the claimant is able to work as of July 12, 2015.

Iowa Admin. Code r. 871-24.23(1) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(1) An individual who is ill and presently not able to perform work due to illness.

When an employee is ill and unable to perform work due to that illness, she is considered to be unavailable for work. The claimant was released to return to work with restrictions by her physician. She is considered to be available for work because her physician stated she was able and available for work. The claimant is not disqualified from receiving unemployment insurance benefits so long as she is otherwise eligible.

DECISION:

The representative's August 13, 2015, decision (reference 02) is reversed. The claimant is not disqualified from receiving unemployment insurance benefits so long as she is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css