

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

REBECCA D LOVING
Claimant

APPEAL NO: 13A-UI-05514-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 02/24/13
Claimant: Appellant (2)

Iowa Code § 96.4(3) – Ability to and Availability for Work

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's May 1, 2013 determination (reference 03) that denied her benefits as of February 24, 2013, because she was unable to work. The claimant participated in the hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge concludes the claimant is able to work and eligible to receive benefits as of February 24, 2013.

ISSUE:

As of February 24, 2013, is the claimant able to work and eligible to receive benefits?

FINDINGS OF FACT:

The claimant was terminated from her most recent employer, APAC, for attendance issues. When APAC hired the claimant, she had permanent work restrictions. These work restrictions include being able to wear sunglasses in bright areas, getting up from sitting every hour to walking and standing for five minutes, elevating her feet if necessary and no lifting more than 10 to 20 pounds.

The claimant established a claim for benefits during the week of February 24, 2013. Her treating physician did not give her any other restrictions nor did he restrict her from doing any work. He also did not advise her to apply for disability benefits.

Since the claimant established her claim for benefits, she has been looking for full and part-time employment. She is looking for work in which she has work experience – customer service, general office work, computer work and work as a paralegal.

REASONING AND CONCLUSIONS OF LAW:

Each week a claimant files a claim for benefits, she must be able to and available for work. Iowa code § 96.4(3). Even though the claimant has permanent work restrictions, she demonstrated with her full-time job at APAC and her work experience that her work restrictions do not unduly limit her to find meaningful and suitable employment. The claimant demonstrated

she is able to and available for work. Therefore, as of February 24, 2013, the claimant is eligible to receive benefits.

DECISION:

The representative's May 1, 2013 determination (reference 03) is reversed. As of February 24, 2013, the claimant is able to and available for work and eligible to receive benefits.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css