

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SARA E FROEHLE**  
Claimant

**APPEAL NO. 09A-UI-00146-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 11/30/08 R: 02  
Claimant: Appellant (4)**

Section 96.4-3 – Able and Available for Work  
871 IAC 24.23(35) – Under the Care of a Medical Practitioner

**STATEMENT OF THE CASE:**

Sarah Froehle filed an appeal from a representative's decision dated December 26, 2008, reference 04, which held her not eligible to receive benefits from December 7, 2008, through December 20, 2008, finding the claimant was under the care of a doctor and had not been released to work. After due notice was issued, a telephone conference hearing was scheduled for and held on January 20, 2009. The claimant participated personally.

**ISSUE:**

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

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and having considered all the evidence in the record, finds: The claimant opened a claim for unemployment insurance benefits effective November 30, 2008, and received the customary informational and instructional brochure that explains the unemployment compensation system and its requirements.

The claimant was under the care of a medical practitioner undergoing corrective surgery for a previous injury. The claimant was under the care of her doctor from December 15 through December 18, 2008, and released by Dr. Dan Baldi to return to work without limitations effective December 19, 2008. The claimant had previously supplied some erroneous information to Workforce Development that indicated that she had been unable to work, when in fact the claimant had only been making preparations to have surgery and was available for work and actively and earnestly seeking re-employment with prospective employers.

**REASONING AND CONCLUSIONS OF LAW:**

The first question is whether the evidence in the record establishes that Ms. Froehle was under a doctor's care and not released to work during the period December 15 through December 18, 2008. It does.

The second question is whether the evidence in the record establishes that Ms. Froehle was able and available for work the week of December 7 through December 13, 2008. It does.

Here, the evidence in the record establishes that Ms. Froehle was not under specific doctor's care and not limited from working for the week of December 7 through December 13, 2008, and that the claimant actively and earnestly sought re-employment by contacting prospective employers. The evidence in the record establishes that the claimant was under a doctor's care and not able to work and not released as being able to work for a majority of the week of December 14 through December 20, 2008. The administrative law judge thus concludes that the claimant was able and available for work for the week ending December 13, 2008, and eligible to receive unemployment insurance benefits, provided she meets all other eligibility requirements. The claimant is ineligible to receive unemployment insurance benefits for the week ending December 20, 2008, as she was not able and available for work during the majority of that work week.

**DECISION:**

The representative's decision dated December 26, 2008, reference 04, is affirmed as modified. The claimant is not eligible to receive unemployment insurance benefits for the week ending December 20, 2008, as she was not able and available for work. The claimant is eligible to receive unemployment insurance benefits for the week ending December 13, 2008, provided she is otherwise eligible.

---

Terence P. Nice  
Administrative Law Judge

---

Decision Dated and Mailed

kjw/kjw