

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JARRETT J WOODSON
Claimant

APPEAL 21A-UI-02242-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

CRST VAN EXPEDITED INC
Employer

OC: 10/11/20
Claimant: Appellant (2R)

Iowa Code § 96.4(3) – Able to and Available for Work

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the December 14, 2020 (reference 01) unemployment insurance decision that denied benefits finding that the claimant was not able to and available for work. After due notice was issued, a telephone hearing was held on March 2, 2021. The claimant participated personally. The employer did not participate. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records.

ISSUE:

Was the claimant able to work and available for work effective October 11, 2020?

FINDINGS OF FACT:

Having heard the testimony and having examined the evidence in the record, the administrative law judge finds: Claimant filed an original claim for unemployment insurance benefits effective October 11, 2020. On September 24, 2020, the claimant was admitted to the emergency room for a blood clot in his lung. He was treated and discharged on September 25, 2020. His physician gave him paperwork indicating that he could return to work on September 26, 2020 without restrictions. Claimant has been able to and available for work. Claimant has been actively and earnestly seeking work.

The claimant permanently separated from this employer and no decision regarding the separation from employment has been issued by the Benefits Bureau of Iowa Workforce Development. The issue of whether the claimant's permanent separation from employment with this employer is disqualifying will be remanded to the Benefits Bureau for an initial investigation and determination.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes as follows:

Iowa Code § 96.4(3) provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in § 96.19, subsection 38, paragraph "b", subparagraph 1, or temporarily unemployed as defined in § 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of § 96.5, subsection 3 are waived if the individual is not disqualified for benefits under § 96.5, subsection 1, paragraph "h".

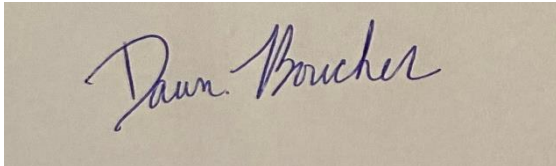
Claimant has credibly testified that he has been able to and available for work since September 26, 2020. As such, benefits are allowed effective his original claim date of October 11, 2020, provided he remains otherwise eligible.

DECISION:

The December 14, 2020 (reference 01) decision is reversed. The claimant has established he was able to and available for work effective October 11, 2020. Benefits are allowed effective October 11, 2020, provided the claimant is otherwise eligible.

REMAND:

The separation from employment issue delineated in the findings of fact is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.



Dawn Boucher
Administrative Law Judge

March 8, 2021
Decision Dated and Mailed

db/lj