

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ROBERT C JOHNSTON
Claimant

APPEAL 22A-UI-01318-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 11/07/21
Claimant: Appellant (4)**

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

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the December 9, 2021 (reference 03) unemployment insurance decision that denied benefits finding that the claimant was not able to and available for work effective November 7, 2021. After due notice was issued, a telephone hearing was held on February 7, 2022. The claimant participated personally. Claimant's Exhibit A was admitted. 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?

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 November 7, 2021 after his separation from employment at Elliot Auto Supply where he had worked as a full-time battery marketer.

The claimant was informed by his medical provider to refrain from working effective September 14, 2021 through December 5, 2021 due to a recurring medical condition. As of December 6, 2021, the claimant was released to return to full-time employment with no restrictions. See Exhibit A.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code § 96.4(3) provides:

Required Findings.

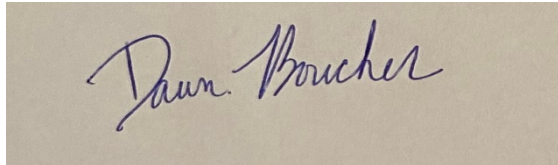
An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

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 section 96.1A, subsection 37, paragraph "b", subparagraph (1), or temporarily unemployed as defined in section 96.1A, subsection 37, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3, are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

Claimant has credibly testified that he has been able to and available for work since December 6, 2021. As such, benefits are denied effective November 7, 2021 through the benefit week ending December 4, 2021 as the claimant was not able to and available for work. Effective the benefit week beginning December 5, 2021, the claimant has been able to and available for full-time work. See Iowa Code § 96.4(3). Benefits are allowed effective December 5, 2021, provided the claimant remains otherwise eligible.

DECISION:

The December 9, 2021 (reference 03) unemployment insurance decision is modified in favor of the appellant. The claimant was not able to and available for work effective November 7, 2021 through December 4, 2021 and benefits are denied for that period of time. Effective December 5, 2021, claimant has established he was able to and available for work. Benefits are allowed effective December 5, 2021, provided the claimant remains otherwise eligible.



Dawn Boucher
Administrative Law Judge

February 25, 2022
Decision Dated and Mailed

db/db