

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

VANESSA S JOHNSON
Claimant

NORDSTROM INC
Employer

APPEAL 17A-UI-08942-JCT
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 08/06/17
Claimant: Appellant (2)

Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Admin. Code r. 871-24.22(2) – Able & Available - Benefits Eligibility Conditions

STATEMENT OF THE CASE:

The claimant filed an appeal from the August 21, 2017, (reference 02) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on September 20, 2017. The claimant participated personally. The employer notified the Appeals Bureau prior to the hearing that it would not be attending the hearing, and did not participate.

Claimant Exhibit A was admitted into evidence. The administrative law judge took official notice of the administrative records including the fact-finding documents. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is the claimant able to work and available for work effective August 6, 2017?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was last employed as a picker at the Nordstrom distribution center but has permanently separated from employment.

The claimant is actively searching and applying for work, that include desk jobs and light duty work, consistent with restrictions from her treating physician (Claimant Exhibit A). The claimant has a herniated disc and is not to do any heavy lifting while she heals. The claimant has been applying primarily for telemarketing and customer service type positions, consistent with her prior experience. She has valid transportation, childcare coordinated and no other restrictions to employability.

REASONINGS AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is able to and available for work effective August 6, 2017.

For an individual to be eligible to receive benefits, he must be able to work, available for work, and actively seeking work as required by the unemployment insurance law. Iowa Code § 96.4(3). The claimant has the burden to show she is able to work, available for work, and earnestly and actively seeking work. The unemployment insurance rules require that an individual be physically and mentally able to work in some full time gainful employment, not necessarily in the individual's customary occupation, but a job which is engaged in by others as a means of livelihood. 871 IAC 24.22(1). The rules also provide that an individual is disqualified for being unavailable to work if an individual has a medical report stating the individual is unable to work. 871 IAC 24.23(6).

In this case, the evidence establishes the claimant is able to and available for work as defined by the unemployment insurance law. The claimant's only restriction to employability is no heavy lifting, and she is currently searching for full-time employment consistent with her experience and restriction, primarily in telemarketing and customer service. Benefits are allowed, provided she is otherwise eligible.

DECISION:

The August 21, 2017, (reference 02) decision is reversed. The claimant is able to work and available for work effective August 6, 2017. Benefits are allowed, provided she is otherwise eligible.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/rvs