



The Claimant's being able and available for work is a week to week determination.

Iowa Code section 96.4.3 provides:

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

The individual is able to work, is available for work, and is earnestly and actively seeking work....

In addition, the law also provides that a person "...must be physically able and available for work, not necessarily in the individual's customary occupation, but in some *reasonably suitable, comparable, gainful, full-time endeavor...* that is generally available in the labor market..." (Emphasis added.) See, 871 IAC 24.22(1)"b."

Although the record establishes the Claimant is not currently able and available to drive a truck, the Claimant provided testimony that he is able to perform other work based on previous employment. He offered no corroborating evidence to support that he could perform other duties within his restrictions. Since we do not know the answers to these questions, the Board must remand this matter for the taking of additional evidence to determine whether the Claimant is able and available for other work. If the Claimant is able and available for other work, and he obtains other such employment, he must then work in and be paid wages for insured work equal to ten times his weekly benefit amount to requalify for benefits, provided he is otherwise eligible. See, Iowa Code section 96.5(2)"a".

**DECISION:**

The decision of the administrative law judge dated November 6, 2017 is not vacated and remains in force unless and until the Department makes a differing determination pursuant to this remand. This matter is remanded to an administrative law judge in the Unemployment Insurance Appeals Bureau, for further development of the record consistent with this decision, unless otherwise already addressed. The administrative law judge shall conduct a hearing following due notice, if necessary. If a hearing is held, then the administrative law judge shall issue a decision which provides the parties appeal rights.

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Kim D. Schmett

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James M. Strohman