

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ELIZABETH A CHAMBERS**  
Claimant

**APPEAL NO. 12A-UI-09564-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WELLS FARGO & COMPANY**  
Employer

**OC: 01/22/12**  
**Claimant: Appellant (4)**

Section 96.4(3)a – Able and Available

**STATEMENT OF THE CASE:**

The claimant, Elizabeth Chambers, filed an appeal from a decision dated August 3, 2012, reference 05. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on August 30, 2012. The claimant participated on her own behalf. The employer, Wells Fargo, did not provide a telephone number where a witness could be contacted and did not participate. Exhibit A was admitted into the record.

**ISSUE:**

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

**FINDINGS OF FACT:**

Elizabeth Chambers was under a doctor's care for non-work-related medical problems beginning April 30, 2012. She filed an additional claim for unemployment benefits effective June 17, 2012, even though she was not released to return to work by her doctor until May 19, 2012. She did not present any evidence of a release to Iowa Workforce Development until July 9, 2012. That doctor's statement is a full release without restrictions.

**REASONING AND CONCLUSIONS OF LAW:**

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 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 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as defined in section 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 section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

The claimant has provided medical evidence she is able and available for work and therefore eligible for unemployment benefits beginning July 9, 2012.

**DECISION:**

The representative's decision of August 3, 2012, reference 05, is modified in favor of the appellant. Elizabeth Chambers is eligible for unemployment benefits effective July 9, 2012.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/pjs