

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**NATHAN GRISMORE**  
Claimant

**APPEAL NO: 10A-UI-02745-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 01-24-10  
Claimant: Appellant (1)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the February 16, 2010, reference 04, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on March 13, 2010. The claimant participated in the hearing.

**ISSUE:**

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

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed an unemployment claim with an effective date of January 24, 2010. The claimant is on a medical leave of absence because his doctor feared driving or some of his work activities with children might result in a seizure so advised him not to work until he had the opportunity to see a neurologist. The claimant lives three blocks from the town square and is able to walk to jobs within Corydon and perform other jobs not involving children until he sees the neurologist. He is working on an as-needed basis for a local restaurant.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant is not able to work and available for work.

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's medical restrictions state "he can run no heavy machines, he can run no motor vehicles, and he is to be on no raised platforms" (Claimant's Exhibit A). Those restrictions are so limiting as to render the claimant unable and unavailable to work most jobs because he cannot drive to a job and would have to be able to walk to any positions and would accordingly be limited to working in Corydon at best, which greatly limits his job market. Accordingly, benefits are denied.

**DECISION:**

The February 16, 2010, reference 04, decision is affirmed. The claimant is not able to work and available for work effective January 24, 2010. Benefits are denied.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

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