

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**JOHN E BARBER**  
Claimant

**APPEAL NO: 19A-UI-03693-JC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 01/27/19**  
**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, John E. Barber, filed an appeal from the April 24, 2019, (reference 04) unemployment insurance decision that denied benefits. The claimant was properly notified about the hearing. A telephone hearing was held on May 23, 2019. The claimant participated personally. 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 April 7, 2019?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant established a claim effective January 27, 2019 with an additional claim effective April 7, 2019. The claimant has 41 years of sales experience and has been searching for full-time employment, primarily in the sales fields.

The claimant has a health condition which prevents him from climbing up and down stairs during work, and which contributed to his separation from his last job where he sold campers. He also must restrict his walking but has been verifying with employers the anticipated space he would need to cover in order to do a job before he applies. He has been able and available for work, and has not refused any offers of work.

**REASONING AND CONCLUSIONS OF LAW:**

**For the reasons that follow, the administrative law judge concludes the claimant is able to and available for work effective April 7, 2019.**

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 he 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 has been applying for jobs that are within his restrictions and has been making his weekly job search contacts as required. The claimant is not required to be able to physically do his prior job, only that he can perform some work for which he is qualified. Based on the evidence presented, the administrative law judge concludes the claimant is able to and available for work. Benefits are allowed beginning April 7, 2019, provided he is otherwise eligible.

**DECISION:**

The April 24, 2019, (reference 04) decision is reversed. The claimant is able and available for work effective April 7, 2019. Benefits are allowed, provided he is otherwise eligible.

---

Jennifer L. Beckman  
Administrative Law Judge

---

Decision Dated and Mailed

jlb/scn