

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

FIDELIS O IKEFUAMA
Claimant

APPEAL NO: 11A-UI-01355-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 01/09/11
Claimant: Appellant (1)**

Iowa Code § 96.4(3) – Ability to and Availability for Work

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's January 31, 2011 determination (reference 02) that held him ineligible to receive benefits as of January 25, 2011, because he was unable to work as of January 25, 2011. Hearings were held on March 1 and 22, 2011. The claimant participated in the hearing with his witness, Tyrone Jackson. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge finds the claimant is not eligible to receive benefits as of January 25, 2011.

ISSUE:

When is the claimant able to work after he had hand surgery on January 25, 2011?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of January 9, 2011. The claimant had surgery on his right hand on January 25, 2011. His doctor released him to do light-duty work on or about February 16, 2011. The claimant's doctor told the claimant he was restricted from doing repetitive work with his right hand. As of the date of the hearing, the claimant is released to do only light-duty work. Although the claimant has been looking for factory jobs, potential employers question his ability to work with his light-duty work restriction.

REASONING AND CONCLUSIONS OF LAW:

Each week a claimant files a claim for benefits, he must be able to and available for work. Iowa Code § 96.4(3). As of the date of the hearing, the claimant's physician released him to do light-duty, no repetitive work. The law presumes a claimant is not eligible to receive benefits when he is under a doctor's care and has not been released as being able to work. 871 IAC 24.23(35). Even though the claimant has been released to do light-duty work, this restriction has forced the claimant to look for a tailor-made job which unduly restricts his availability for work. Until the claimant provides his local Workforce office with a doctor's statement indicating he is released to work at jobs other than light-duty work, the claimant's work restrictions limit his ability to and availability for work. Therefore, as of January 23, 2010,

the claimant is not eligible to receive benefits. If or when the claimant's work restrictions change, he needs to provide his local Workforce office with a written doctor's statement indicating what if any work restrictions he has after February 16, 2011, or when he has been released to work without any work restrictions.

DECISION:

The representative's January 31, 2011 determination (reference 02) is affirmed. As of January 25, 2011, the claimant is not eligible to receive benefits because his hand surgery left him unable to or unavailable for work. Even though the claimant's doctor released to work light-duty work and restricted him from any repetitive right hand work, the light-duty work restriction leaves the claimant with only being to look for a tailor made job that restricts his ability to and availability for work. Until the claimant provides a doctor's statement stating he is released to work without any work restriction or modifies the light-duty work restriction so the claimant is not limited in the type of work he can perform, the claimant is not eligible to receive benefits.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css