

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEBBIE L MEANS
Claimant

APPEAL NO: 14A-UI-13036-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/30/14
Claimant: Appellant (2)**

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

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's December 12, 2014 determination (reference 02) that held her ineligible to receive benefits as of November 30, 2014, because a physician indicated she was unable to work. Based on the evidence, the claimant's arguments, and the law, the administrative law judge concludes the claimant is available for work and potentially eligible to receive benefits as of November 30, 2014.

ISSUE:

As of November 30, 2014, is the claimant available for work and eligible to receive benefits?

FINDINGS OF FACT:

The claimant had a serious medical incident in May 2014. As a result of her medical incident, she was unable to work. On November 18, 2014, the claimant's physician released her to work with a 15-pound lifting restriction and a restriction that she should not stand for more than two hours.

Before her employment ended, the claimant worked as a production employee, assembling antennae. Her previous job required her to lift more than 15 pounds.

The claimant established a claim for benefits during the week of November 30, 2014. The claimant is looking for full-time work as a cashier at department stores, grocery stores and fast food restaurants. The claimant is looking for work that accommodates her current work restrictions.

REASONING AND CONCLUSIONS OF LAW:

Each week a claimant files a claim for benefits, she must be able to and available for work. Iowa Code § 96.4(3). The law presumes a claimant unduly limits her availability when she is not willing to accept work in her usual occupation and fails to establish what other types of work she can perform. 871 IAC 24.23(19). While the claimant is unable to do the work she had done at her former job, she established that her current work restrictions do not unduly limit her

availability for work. The claimant is looking for full-time work in which she can perform. The claimant established that she is available for work and eligible to receive benefits.

DECISION:

The representative's December 12, 2014 determination (reference 02) is reversed. The claimant established that she is available for work and eligible to receive benefits as of November 30, 2014, provided she meets all other eligibility requirements.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css