

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEBORAH L BRYANT
Claimant

APPEAL NO. 08A-UI-09614-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

“CHEZIK-SAYERS IOWA INC
“CHEZIK-BELL HONDA
Employer

OC: 07/27/08 R: 03
Claimant: Appellant (2)

Section 96.4-3 – Able and Available for Work

STATEMENT OF THE CASE:

Deborah Bryant filed an appeal from a representative's decision dated October 8, 2008, reference 01, which held her not eligible to receive unemployment insurance benefits from July 27, 2008 through August 23, 2008 finding that the claimant was under a doctor's care and had not been released to work. After due notice was issued, a hearing was held by telephone on November 5, 2008. The claimant participated personally. The employer participated by John Bell. Exhibit One was received into evidence.

ISSUE:

The issue in this matter is whether the claimant was able and available for work for the period from July 27, 2008 through August 23, 2008.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: The claimant began work for this employer in February 2007 and worked as a full-time Internet sales manager. Ms. Bryant was hospitalized from June 10, 2008 through June 19, 2008 and after convalescing was fully released to return to work by her physician effective July 23, 2008. Because of confusion regarding the claimant's status, work was not immediately available to her with Chezik-Bell Honda. Ms. Bryant opened a claim for unemployment insurance benefits effective July 27, 2008 and immediately began seeking work with perspective employers each week that she claimed benefits. Ms. Bryant resumed employment with Chezik-Bell Honda on September 2, 2008 and continues to be employed at the time of hearing.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in the record establishes that Ms. Bryant was able and available for work for the period of July 27, 2008 through August 23, 2008. It does.

The evidence in the record clearly establishes that the claimant had been fully released by her physician effective July 23, 2008. Due to confusion with respect to her status, she was not able to immediately return to work at her normal employer, Chezik-Bell Honda. The claimant opened a claim for unemployment insurance benefits effective July 27, 2008 and immediately began to seek work with other perspective employers each week that she claimed benefits.

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.

For the above-stated reasons the administrative law judge concludes that the claimant was able and available for work for the period in question and eligible to receive unemployment insurance benefits, provided she meets all other eligibility requirements of Iowa law.

DECISION:

The representative's decision dated October 8, 2008, reference 01, is reversed. The claimant is able and available for work for the period of July 27, 2008 through August 23, 2008. Unemployment insurance benefits are allowed, providing the claimant meets all other eligibility requirements of Iowa law.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs