

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

THAD D ANDERSON
Claimant

APPEAL NO: 12A-UI-15294-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

DEE ZEE INC
Employer

**OC: 11/18/12
Claimant: Appellant (2)**

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Thad Anderson (claimant) appealed a representative's December 19, 2012 decision (reference 02) that concluded he was not eligible to receive unemployment insurance benefits because he was unable to work with Dee Zee (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for February 1, 2013. The claimant participated personally and through his girlfriend, Sena McGreuder. The employer participated by Sarah Tew, Human Resource Assistant. The claimant offered and Exhibit A was received into evidence.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant worked for the employer from November 2011, to November 2012. On October 5, 2012, the claimant was involved in a personal automobile accident. On October 30, 2012, the claimant's physician released him to return to work.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes the claimant is able to work as of October 30, 2012.

871 IAC 24.23(1) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(1) An individual who is ill and presently not able to perform work due to illness.

When an employee has a medical condition and unable to work due to that medical condition, he is considered to be unable to work. The claimant was released to return to work by his

physician. He is considered to be able to work because his physician stated he was able to work. The claimant is not disqualified from receiving unemployment insurance benefits as of October 30, 2012.

DECISION:

The representative's December 19, 2012 decision (reference 02) is reversed. The claimant is not disqualified from receiving unemployment insurance benefits as of October 30, 2012, because he is able to work as of October 30, 2012.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/tll