

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RALPH A SCHNEEKLOTH
Claimant

APPEAL NO. 08A-UI-06961-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

DONALDSON COMPANY INC
Employer

OC: 11/18/07 R: 04
Claimant: Respondent (1)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Employer filed an appeal from a decision of a representative dated July 21, 2008, reference 04, which held claimant able and available for work. After due notice, a telephone conference hearing was scheduled for and held on August 13, 2008. Claimant participated personally. Employer participated by Kevin Rafferty, Hearing Representative Unemployment Services with witness Brenda Sloan, Human Resource Manager.

ISSUE:

The issue in this matter is whether 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: Claimant left work due to family illness. Claimant quit to care for his children while his spouse recovered from an injury. Claimant was not available for full time work through July 15, 2008. Claimant's spouse recovered July 16, 2008 which allowed claimant to return to full-time work. Claimant then wrote a letter to Workforce Development declaring that he was again available for work.

The separation of employment issue was resolved in another decision identified as reference 01. It cannot be re-adjudicated here.

REASONING AND CONCLUSIONS OF LAW:

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. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19,

subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

Inasmuch as the injury was not work-related and the treating physician has now released the claimant to return to work, the claimant has established the ability to work. Benefits shall be allowed effective July 31, 2008.

DECISION:

The decision of the representative dated July 21 2008, reference 04, is affirmed. Claimant is eligible to receive unemployment insurance benefits, effective July 31, 2008, provided claimant meets all other eligibility requirements.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/css