

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**BRADLEY J FARNSWORTH**  
Claimant

**APPEAL NO: 18A-UI-11452-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BEMIS COMPANY INC**  
Employer

**OC: 10/21/18**  
**Claimant: Appellant (1)**

Section 96.4 -3 – Able and Available for Work

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the November 14, 2018, reference 02, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on December 11, 2018. The claimant participated in the hearing. The employer did not respond to the hearing notice and did not participate in the hearing. Claimant's Exhibits A and B were admitted into evidence.

**ISSUE:**

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

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was hired as a full-time quality technician for Bemis Company, Inc. in July 2016. He remains employed by Bemis to date. The last day the claimant worked was April 25, 2018, as he was involved in a severe motorcycle accident April 27, 2018. He broke his back in seven places, broke all of the ribs on his right side; broke his breastbone, and shattered his right leg. He is unable to perform the essential functions of his job as a quality technician at this time because he has not received a release to return to work without restrictions.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant is not able and available for work.

The claimant has not been released to return to work without restriction. In order to be eligible for benefits, a claimant must be able and available for work. If a claimant suffers a non-work related illness or injury, and is placed under restrictions or other limitations by his treating physician, the employer is not obligated to accommodate those restrictions. (Emphasis added). If the claimant returns to work after receiving a full medical release from the treating physician and the employer has no suitable work available at that time, the claimant would generally be

eligible for unemployment benefits. Because the claimant is still under restrictions, however, he is not considered able and available for work. Accordingly, benefits must be denied.

**DECISION:**

The November 14, 2018, reference 02, decision is affirmed. The claimant is not able to work and available for work. Consequently, benefits must be denied.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/scn