

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**EDWARD C HRDLICKA**  
Claimant

**APPEAL NO: 11A-UI-06269-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DECKER TRUCK LINE INC**  
Employer

**OC: 03/20/11**  
**Claimant: Respondent (1)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Decker Truck Line (employer) appealed a representative's April 26, 2011 decision (reference 03) that concluded Edward Hrdlicka (claimant) was eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for June 7, 2011. The claimant participated personally. The employer was represented by Jennifer Smith, Attorney at Law, and participated by Brenda McNealey, Director of Human Resources, and Tana Fuller, Workers' Compensation Specialist. The employer offered and Exhibit One 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 July 3, 2003, to March 8, 2011. The claimant suffered a work-related injury on April 21, 2010. His physician indicated he could return to work with restrictions on October 18, 2010. He worked within his restrictions from October 18, 2010, until March 8, 2011. On March 8, 2011, the employer offered the claimant work driving a refrigerated van that non-medical personnel thought would meet the claimant's restrictions. The work required the claimant to pull pins and open doors that the claimant and his advisors felt were not within his restrictions. After the claimant declined the work, the employer has offered no other work to the claimant. The claimant filed for unemployment insurance benefits with an effective date of March 20, 2011.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes the claimant is able and available for work.

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 is ill and unable to perform work due to that illness he is considered to be unavailable for work. The claimant was released to return to work with/out restrictions by his physician. He is considered to be available for work because his physician stated he was able and available for work. The claimant is qualified to receive unemployment insurance benefits as of March 20, 2011.

**DECISION:**

The representative's April 26, 2011 decision (reference 03) is affirmed. The claimant is not disqualified from receiving unemployment insurance benefits because he is available for work with the employer as of March 20, 2011.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/css