

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JUDY A SEALES

Claimant

APPEAL NO: 13A-UI-07979-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

A T & T MOBILITY SERVICES LLC

Employer

OC: 06/02/13

Claimant: Appellant (2)

Iowa Code § 96.4(3) – Ability to and Availability for Work

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's June 26, 2013 determination (reference 02) that held her ineligible to receive benefits as of June 2, 2013, because she was not able to work due to an illness. The claimant participated in the hearing. The employer did not respond to the hearing notice or participate in the hearing. Based on the administrative record and the law, and the law, the administrative law judge finds the claimant able to and available for work and eligible to receive benefits as of June 2, 2013.

ISSUE:

As of June 2, 2013, is the claimant able to and available for work?

FINDINGS OF FACT:

The claimant's doctor did not release her to return to work until March 21, 2013, or after her FMLA. When the claimant established a claim for benefits during the week of June 2, 2013, she was still released to work without any restrictions.

The claimant has filed weekly claims since she established her claim for benefits.

REASONING AND CONCLUSIONS OF LAW:

Each week a claimant files a claim for benefits, she must be able to and available for work. Iowa Code § 96.4(3). Since the claimant was released to return to work without any restrictions in late March 2013, she established that she is able to and available for work. Therefore, as of June 2, 2013, she is eligible to receive benefits, provided she meets all other eligibility requirements.

DECISION:

The representative's June 26, 2013 determination (reference 02) is reversed. As of June 2, 2013, the claimant is eligible to receive benefits because she was released to return to work without any restrictions by her doctor in late March 2013.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs