

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**MARK BRADLEY**

Claimant

**APPEAL 22A-UI-05647-JD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WASHINGTON TV & APPLIANCE INC**

Employer

**OC: 09/26/21**

**Claimant: Appellant (2)**

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Iowa Code § 96.4(3) – Able & Available

**STATEMENT OF THE CASE:**

On February 28, 2022, Mark Bradley (claimant/appellant) filed an appeal from the February 21, 2022, reference 02, unemployment insurance decision that concluded he was not able to or available for work effective September 26, 2021. A telephone hearing was held at on April 13, 2022 pursuant to due notice. The claimant, Mark Bradley, participated and testified. The employer Washington TV & Appliance participated through owner Kevin Erpelding, Owner. The administrative law judge took official notice of the administrative record. Following that hearing, the administrative law judge determined that further testimony was necessary and scheduled a follow-up hearing on May 10, 2022, at 10:00 a.m. The claimant and employer both participated.

**ISSUE:**

Is the claimant able to and available for work?

**FINDINGS OF FACT:**

Having reviewed the evidence in the record, the administrative law judge finds: Claimant was separated from employer in March 2021. That separation allowed benefits and has been affirmed in 22B-UI-25256. The claimant was admitted to the hospital on January 5, 2021, for a non-work related medical condition. The claimant was unable and unavailable for work from January 5, 2021 until June 1, 2021, when he was released to work with no medical restriction. The claimant is able to and available for work effective September 26, 2021.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant is able to work and available for work effective September 26, 2021.

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:

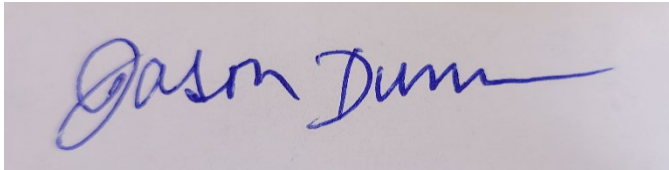
3. (a) The individual is able to work, is available for work, and is earnestly and actively seeking work...

(b) Notwithstanding any provision of this chapter to the contrary, the department may establish by rule a process to waive or alter the work search requirements of this subsection for a claim for benefits if an individual has a reasonable expectation that the individual will be returning to employment and is attached to a regular job or industry... To be considered attached to a regular job or industry, an individual must be on a short-term temporary layoff.

The claimant was released by his physician to return to work with no restrictions effective June 1, 2021.

**DECISION:**

The February 21, 2022, reference 02, unemployment insurance decision is reversed. The claimant is considered able to and available for work effective September 26, 2021.



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Jason Dunn  
Administrative Law Judge  
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June 1, 2022  
Decision Dated and Mailed

jd/scn