

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BOBI J SPEARS
Claimant

APPEAL NO: 10A-UI-06963-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

IOWA HOME CARE
Employer

**OC: 04/11/10
Claimant: Appellant (2)**

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Bobi Spears (claimant) appealed a representative's May 11, 2010 decision (reference 02) that concluded she was not eligible to receive unemployment insurance benefits because she was unable to work with Iowa Home Care (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for June 29, 2010. The claimant participated personally and through her mother, Cheryl Branson. The employer participated by Kalani Brown, Human Resources Generalist.

ISSUE:

The issue is whether the claimant was 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 September 28, 2009, to March 23, 2010. The claimant is pregnant and due on July 29, 2010. On April 8, 2010, the claimant's physician imposed a weight restriction. The employer did not have any work for the claimant after April 6, 2010.

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 she is considered to be unavailable for work. The claimant was released to return to work with restrictions by her physician. She is considered to be available for work because her physician stated she was able and available for work. The claimant is not disqualified from receiving unemployment insurance benefits.

DECISION:

The representative's May 11, 2010 decision (reference 02) is reversed. The claimant is not disqualified from receiving unemployment insurance benefits because she is able and available for work.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs