

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RANDI R SHAFFER
Claimant

APPEAL NO. 13A-UI-09551-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 06/02/13
Claimant: Appellant (3/R)**

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Randi Shaffer (claimant) appealed a representative's August 13, 2013, decision (reference 03) that concluded she had made fewer than the required two in-person job contacts, she would receive unemployment insurance benefits for the week ending August 10, 2013, but that a warning should be issued. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on August 27, 2013. The claimant participated personally.

ISSUE:

The issue is whether the claimant was able and available for work for the week ending August 10, 2013.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant filed for unemployment insurance benefits on June 2, 2013. For the week ending August 10, 2013, the claimant was in the hospital and did not make any job contacts. She mistakenly reported for the week that she was able to work on the data response system.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes the claimant was not able to work for the week ending August 10, 2013.

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 in the hospital for the week ending August 10, 2013, and is considered to be unable for work for that week. The claimant is disqualified from receiving unemployment insurance benefits for the week ending August 10, 2013, due to her inability to work.

The issue of the overpayment of unemployment insurance benefits for the week ending August 10, 2013, is remanded for determination.

DECISION:

The representative's August 13, 2013, decision (reference 03) is modified in favor of the respondent. The claimant is disqualified from receiving unemployment insurance benefits for the week ending August 10, 2013, due to her inability to work. The issue of the overpayment of unemployment insurance benefits for the week ending August 10, 2013, is remanded for determination.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs