

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RHONDA L KLEIN**  
Claimant

**APPEAL NO: 07A-UI-05216-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 04/15/07 R: 02  
Claimant: Appellant (1)**

Section 96.4-3 – Able and Available for Work

**STATEMENT OF THE CASE:**

The claimant filed an appeal from a representative's decision dated May 15, 2007, reference 02, which held the claimant ineligible for unemployment insurance benefits. After due notice was issued, a telephone conference hearing was held on June 7, 2007. The claimant participated.

**ISSUE:**

The issue is whether the claimant is able and available for work.

**FINDINGS OF FACT:**

Having heard the testimony of the witnesses and having reviewed the evidence in the record, the administrative law judge finds: The claimant last worked as a production worker until January 16, 2007 when she was required to leave her employment due to a medical condition. Due to a sensitivity to chemicals and a photosensitivity, the claimant was unable to continue her employment and filed for unemployment insurance benefits. The claimant was required to provide a medical statement from her physician. On May 10, 2007 the claimant provided a medical statement indicating that after 5-10 minutes of exposure to the sun, the claimant suffers from photosensitivity. Based upon the claimant's inability to perform work in the general work force because of her severe photosensitivity and her inability to be exposed to chemicals, the claimant was determined not to be able and available for work under the Iowa Security Act.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes based upon the evidence in the record that the claimant is not able and available to work as required by the provisions of the Iowa Employment Security Act. The evidence establishes that Ms. Klein suffers from severe photosensitivity and sensitivity to a number of chemicals. Due to the very limited amount of exposure to chemicals or sunlight, the claimant is unable at the time of hearing to perform duties in the general workforce due to her medical condition.

871 IAC 24.22(1)a provides:

Benefits eligibility conditions. For an individual to be eligible to receive benefits the department must find that the individual is able to work, available for work, and earnestly and actively seeking work. The individual bears the burden of establishing that the individual is able to work, available for work, and earnestly and actively seeking work.

(1) Able to work. An individual must be physically and mentally able to work in some gainful employment, not necessarily in the individual's customary occupation, but which is engaged in by others as a means of livelihood.

a. Illness, injury or pregnancy. Each case is decided upon an individual basis, recognizing that various work opportunities present different physical requirements. A statement from a medical practitioner is considered prima facie evidence of the physical ability of the individual to perform the work required. A pregnant individual must meet the same criteria for determining ableness as do all other individuals.

For the reasons stated herein the administrative law judge finds that based upon the claimant's physical condition and a statement from the claimant's medical practitioner, she has not demonstrated the ability to perform work as required; therefore is ineligible to receive benefits at this time.

**DECISION:**

The representative's decision dated May 15, 2007, reference 02, is hereby affirmed. The claimant is not eligible to receive unemployment insurance benefits, as she does not meet the availability requirements of the law. Benefits are denied as of April 15, 2007.

---

Terence P. Nice  
Administrative Law Judge

---

Decision Dated and Mailed

tpn/pjs