

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GERALD TAYLOR
Claimant

APPEAL NO: 13A-UI-08784-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HEARTLAND EXPRESS INC OF IOWA
Employer

OC: 06/23/13
Claimant: Appellant (1/R)

Iowa Code § 96.4-3 - Able and Available for Work

STATEMENT OF THE CASE:

Gerald Taylor (claimant) appealed an unemployment insurance decision dated July 22, 2013, reference 01, which held that he was not eligible for unemployment insurance benefits because he was on an approved leave of absence with Heartland Express Inc. of Iowa (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 3, 2013. The claimant participated in the hearing. The employer participated through Dave Dalmasso, Human Resources Representative.

ISSUE:

The issue is whether the claimant meets the availability requirements of the law.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a full-time over-the-road truck driver from May 12, 1999 through August 23, 2013. As a condition of employment, he had to have a Class A commercial driver's license. The claimant was unable to work after May 8, 2013 because he had a stroke and could no longer legally drive. He filed a claim for unemployment insurance benefits effective June 23, 2013.

There has been no determination made with regard to the claimant's final separation from employment.

REASONING AND CONCLUSIONS OF LAW:

The issue to be determined is whether the claimant is able and available for work. He filed a claim for unemployment insurance benefits on June 23, 2013. The claimant was still employed with the employer when he filed for benefits but unable to carry out his essential job duties. Consequently, he does not meet the availability requirements of the law and benefits are denied.

The separation issues were not included in the notice of hearing for this case, and the case will be remanded for a determination on those issues. 871 IAC 26.14(5).

DECISION:

The unemployment insurance decision dated July 22, 2013, reference 01, is affirmed. The claimant does not meet the availability requirements of the law and does not qualify for unemployment insurance benefits. The case is remanded for a review and determination on the final separation issues.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/css