

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**CHRISTIAN RAMIREZ**

Claimant

**APPEAL NO. 14A-UI-10564-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**NATIONAL CONCRETE CUTTING INC**

Employer

**OC: 09/07/14**

**Claimant: Appellant (4)**

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

**STATEMENT OF THE CASE:**

Christian Ramirez (claimant) appealed an unemployment insurance decision dated October 1, 2014, (reference 01), which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with National Concrete Cutting, Inc. (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on October 29, 2014. The claimant participated in the hearing. Ike Rocha interpreted on behalf of the claimant. The employer participated through Dispatcher Jeff Bowen Dispatcher.

**ISSUE:**

The issue is whether the claimant's separation from employment qualifies him to receive unemployment insurance benefits.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant hired as a full-time general laborer/saw team helper on April 18, 2011. He was off work due to a non-work-related medical injury from August 28, 2014, through October 17, 2014. The claimant was not able to work during that time frame due to his treating physician but he remained employed with the employer. He was released with restrictions on October 21, 2014, and the employer has allowed him to return to work with those restrictions.

**REASONING AND CONCLUSIONS OF LAW:**

The issue to be determined is whether the reasons for the claimant's separation from employment qualify him to receive unemployment insurance benefits. Each week a claimant files a claim for benefits he must be able to and available for work. Iowa Code § 96.4-3. An individual is disqualified for benefits if they are ill and not able to perform work due to illness. 871 IAC 24.23(3). The claimant did not voluntarily quit but was medically unable to work from August 29, 2014, through October 17, 2014. He therefore fails to meet the availability requirements as of September 7, 2014. Benefits are denied.

**DECISION:**

The unemployment insurance decision dated October 1, 2014, (reference 01), is modified in favor of the appellant. Benefits are denied because the claimant fails to meet the availability requirements.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

sda/pjs