

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

NICOLE M LESSOR
Claimant

APPEAL 16A-UI-11726-SC-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 10/02/16
Claimant: Appellant (1)

Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Admin. Code r. 871-24.22(2) – Able & Available - Benefits Eligibility Conditions

STATEMENT OF THE CASE:

Nicole M. Lessor (claimant) filed an appeal from the October 21, 2016 (reference 02) unemployment insurance decision that denied benefits based upon the determination she not able to and available for work week ending October 8, 2016 due to illness. After due notice was issued, a telephone conference hearing was scheduled to be held on December 2, 2016. The claimant participated. Claimant's Exhibit A was received.

ISSUE:

Was the claimant able to work, available for work, and actively and earnestly seeking work the week ending October 8, 2016?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was under a doctor's care the week ending October 8, 2016 rendering her unable to work. She reported this to Iowa Workforce Development during her continued weekly claim for benefits.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant not able to work and available for work for the period in question.

Iowa Code § 96.4(3) provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed

partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph (1), or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

Iowa Admin. Code r. 871-24.23(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.

An individual claiming benefits must be able to work, available for work, and actively and earnestly seeking work. The claimant was sick and unable to work week ending October 8, 2016. Accordingly, benefits are denied.

DECISION:

The October 21, 2016 (reference 02) unemployment insurance decision is affirmed. The claimant is able to work and available for work effective October 9, 2016. Benefits are denied for week ending October 8, 2016.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

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