

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI	
JASON E KUNZ Claimant	APPEAL NO. 09A-UI-05660-S2T
IOWA WORKFORCE DEVELOPMENT DEPARTMENT	ADMINISTRATIVE LAW JUDGE DECISION
	Original Claim: 09/21/08 Claimant: Appellant (2)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Jason Kunz (claimant) appealed a representative's April 6, 2009 decision (reference 08) that concluded he was not eligible to receive unemployment insurance benefits because he was not able to work. After hearing notices were mailed to the claimant's last-known address of record, a telephone hearing was scheduled for April 21, 2009. The claimant participated personally.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant has not had surgery. He is not under a doctor's care. He is able and available for work.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes the claimant is able and available for work.

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, he is considered to be unavailable for work. The claimant was not and is not under a physician's care. He is considered to be able and available for work. The claimant is not disqualified from receiving unemployment insurance benefits.

DECISION:

The representative's April 6, 2009 decision (reference 08) is reversed. The claimant is not disqualified from receiving unemployment insurance benefits, because he is able and available for work.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/kjw