

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

JULITA B CIGRAND  
2581 LOCKSLEY RD  
MELBOURNE FL 32935

IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT

Appeal Number: 04O-UI-12242-CT  
OC: 07/25/04 R: 03  
Claimant: Appellant (1)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

Julita Cigrand filed an appeal from a representative's decision dated August 18, 2004, reference 04, which denied benefits for the two weeks ending August 7, 2004 on a finding that she was not able to work. After due notice was issued, a hearing was held by telephone on September 28, 2004. The September 30, 2004 decision of the administrative law judge affirmed the disqualification from benefits. Ms. Cigrand filed a further appeal with the Employment Appeal Board which, on November 8, 2004, remanded the matter for a new hearing because the tape of the prior hearing could not be transcribed.

Pursuant to the remand order, due notice was issued scheduling the matter for a telephone hearing to be held on December 8, 2004. Ms. Cigrand participated personally.

#### FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all the evidence in the record, the administrative law judge finds: Ms. Cigrand filed her claim for job insurance benefits effective July 25, 2004. She had been hospitalized at St. Lukes Hospital until July 25, at which time she was released to Community Care, a transitional housing facility. She was being provided medication at Community Care and was under heavy sedation until mid-August. Ms. Cigrand mopped floors at Community Care for one hour each day and was paid \$3.00 per hour for her work.

Ms. Cigrand was released from Community Care on August 6. She had to go through legal proceedings to be released as the doctor wanted her to remain longer.

#### REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Cigrand satisfied the availability requirements of Iowa Code section 96.4(3) when she filed her claim for job insurance benefits. When she filed her claim, she was residing in transitional housing following her release from the hospital. The fact that she was in transitional housing suggests that her doctor did not feel she was ready for independent living after her hospitalization. Ms. Cigrand testified that the medication she was receiving caused her to be sedated. It appears that she was not fully functional due to the effects of the medication. For the above reasons, the administrative law judge concludes that Ms. Cigrand has failed to establish that she was physically and mentally able to work during the two weeks ending August 7, 2004. The fact that she was able to mop floors for one hour each day does not establish that she would have been able to handle a full-time or even part-time job. It is concluded, therefore, that Ms. Cigrand was not able to work during the time she was residing at Community Care.

The issue of Ms. Cigrand's ability to work is moot at this point as she has exhausted her entitlement to benefits. She has now been paid the maximum amount of benefits available on her claim. Therefore, even if the administrative law judge were to reverse the decision, no benefits would be payable.

#### DECISION:

The representative's decision dated August 18, 2004, reference 04, is hereby affirmed. Benefits are denied from July 25 through August 7, 2004 as Ms. Cigrand was not able to work.

cfc/b