

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TAMMY L DAVIS
Claimant

APPEAL NO: 19A-UI-05055-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

REM IOWA COMMUNITY SERVICES INC
Employer

OC: 03/24/19
Claimant: Respondent (1)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

The employer filed a timely appeal from the June 12, 2019, reference 04, decision that determined the claimant was able and available for work effective April 7, 2019, and allowed benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on July 9, 2019. The claimant participated in the hearing. Angela Behrend, Program Director and Amanda Lange, Employer Representative, participated in the hearing on behalf of the employer.

ISSUE:

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

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time program supervisor at REM Iowa Community Services from June 26, 2013 to April 8, 2019. She was on a leave of absence from March 20, 2017 to April 7, 2019, due to being beaten by a client March 20, 2017. She voluntarily left her employment with REM Iowa April 8, 2019, after her psychiatrist directed her to quit and found she could not work in the human services field any longer.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant is able to work and available for work effective April 7, 2019.

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".

The claimant was on a leave of absence from March 20, 2017 through her separation date of April 8, 2019. She is not considered able and available for work while on the leave of absence and still attached to the employer. Once she quit, however, her leave of absence ended and she was released by her treating physician to work in an occupation other than human services. Accordingly, the claimant is considered able and available for work effective April 7, 2019, and benefits are allowed beginning the week ending April 13, 2019.

DECISION:

The June 12, 2019, reference 04, decision is affirmed. The claimant is able to work and available for work effective April 7, 2019. Benefits are allowed the week ending April 13, 2019.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn