

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MALLORY M JOHNSON
Claimant

APPEAL NO: 16A-UI-07393-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA DIAGNOSTIC IMAGING AND
PROCEDURE CENTER**
Employer

OC: 06/12/16
Claimant: Appellant (1)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Mallory Johnson (claimant) appealed a representative's June 28, 2016, decision (reference 03) that concluded she was not eligible to receive unemployment insurance benefits because she was unable to work for Iowa Diagnostic Imaging and Procedure Center (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for July 25, 2016. The claimant participated personally. The employer participated by Mendy Siembieda, Assistant Clinic Director. Exhibit D-1 was received into evidence.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant worked for the employer from March 7, 2016, to June 2, 2016. The claimant's physician placed the claimant on no-work status on June 15, 2016, due to pregnancy and narcolepsy. The claimant has not received a release to return to work.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes the claimant is not able and available for work.

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.

When an employee is medically unable to perform work due to a medical condition, she is considered to be unavailable for work. The claimant said her doctor told her she was unable to work due to a medical condition. She is considered to be unavailable for work after June 12, 2016. The claimant is disqualified from receiving unemployment insurance benefits beginning June 12, 2016, due to her unavailability for work.

Should the claimant be released to return to work by her physician, she should notify her local office immediately.

DECISION:

The representative's June 28, 2016, decision (reference 03) is affirmed. The claimant is disqualified from receiving unemployment insurance benefits because she is not able to work. Should the claimant be released to return to work by her physician, she should notify her local office immediately.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs