

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JESSICA M WALKER
Claimant

APPEAL NO: 14A-UI-08200-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/30/14

Claimant: Appellant (3)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Jessica M. Walker (claimant) appealed a representative's August 4, 2014 (reference 05) decision that concluded she was not qualified to receive unemployment insurance benefits because she was not able and available for work. A hearing notice was mailed to the claimant's last-known address of record for a telephone hearing to be held on August 28, 2014. This appeal was consolidated for hearing with two related appeals, 14A-UI-08201-DT and 14A-UI-08202-DT. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Was the claimant eligible for unemployment insurance benefits by being able and available for work?

FINDINGS OF FACT:

The claimant established an unemployment insurance benefit year effective March 30, 2014. She made weekly continued claims through the benefit week ending July 5, 2014. On or about Tuesday, June 17 the claimant slipped and fell. As a result of her injuries, she was laid up and in bed from that point through about July 5, 2014. As a result, she was not able to perform a search for work and would not have been able to enter into work for that period.

REASONING AND CONCLUSIONS OF LAW:

With respect to any week in which unemployment insurance benefits are sought, in order to be eligible the claimant must be able to work, is available for work, and is earnestly and actively seeking work. Iowa Code § 96.4-3. A person who is injured and unable to work or look for work is not able and available for work. Rule 871 IAC 24.23(34). The claimant was not able and available for work the majority of the benefit weeks ending June 21, June 28, and July 5. Benefits must be denied for those weeks.

As of July 6, 2014 benefits would be allowed, if the claimant is otherwise eligible.

DECISION:

The representative's August 4, 2014 (reference 05) decision is affirmed as modified. The claimant was not able to work and available for work effective for the benefit period beginning June 15 through July 5, 2014 and not eligible to receive benefits during that period. Effective July 6, 2014 the claimant would be qualified to receive unemployment insurance benefits, if she is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

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