

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI	
MINKA MEHIC Claimant	APPEAL NO: 15A-UI-10350-S1-T
IOWA WORKFORCE DEVELOPMENT DEPARTMENT	ADMINISTRATIVE LAW JUDGE DECISION
	OC: 02/08/15 Claimant: Appellant (4)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Minka Mehic (claimant) appealed a representative's September 10, 2015, decision (reference 06) that concluded she was not eligible to receive unemployment insurance benefits because she was unable to work as of February 8, 2015. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on September 29, 2015. The claimant did participate. 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: On August 5, 2015, Administrative Law Judge James Timberland found in 15A-UI-05690-JT-T that the claimant was able and available for work effective April 19, 2015. On September 3, 2015, the Employment Appeal Board affirmed the decision. There was no information presented that the claimant was not able and available for work from February 8 to April 19, 2015.

On September 1, 2015, IWD mailed the claimant an Unemployment Insurance Letter of Inquiry after the claimant reported she was not able and available for work for the week ending August 29, 2015. On September 4, 2015, the claimant indicated she wished to waive her right to a scheduled telephone interview and respond in writing to questions. She stated her response was correct. She was not ready, willing, able and available for work. The claimant indicated she had severe back pain that limited most of her daily activities. She had trouble putting on shoes and socks and was exhausted from standing for short periods. The claimant continues to feel the same.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes the claimant is not able to 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 ill and unable to perform work due to that illness, she is considered to be unavailable for work. The claimant is disqualified from receiving unemployment insurance benefits beginning the week ending August 29, 2015, due to her unavailability for work.

DECISION:

The representative's September 10, 2015, decision (reference 06) is modified in favor of the claimant. The claimant is disqualified from receiving unemployment insurance benefits beginning the week ending August 29, 2015, due to her unavailability for work.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css