

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

FLOYD L RUSH
Claimant

APPEAL NO: 12A-UI-08376-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SCHENKER LOGISTICS INC
Employer

**OC: 06/10/12
Claimant: Appellant (4)**

Iowa Code § 96.4(3) – Able to and Available for Work

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's July 3, 2012 determination (reference 02) that held him ineligible to receive benefits as of June 10, 2012, because he was ill and unable to work. The claimant participated in the hearing. The employer did not respond to the hearing notice or participate in the hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge finds the claimant eligible to receive benefits as of June 17, 2012.

ISSUE:

As of June 10 or later is the claimant able to and available for work?

FINDINGS OF FACT:

The claimant had been ill and ultimately became unemployed because of attendance issues. The claimant was ill and unable to work until he changed his diet and eliminated dairy products from his diet. As of June 19, 2012, the claimant was able to and available for work. Since June 19, he is able to work full time and has been looking for work.

REASONING AND CONCLUSIONS OF LAW:

Each week a claimant files a claim for benefits, he must be able to and available for work. Iowa Code § 96.4(3). While the claimant had been ill and unable to work, as of June 19, the claimant's new diet took effect and he no longer felt ill and was able to work. As of June 17, 2012, the claimant is eligible to receive benefits.

DECISION:

The representative's July 3, 2012 determination (reference 02) is modified in the claimant's favor. The claimant established that he is able to and available for work as of June 17, 2012. Therefore, as of June 17, 2012, the claimant is eligible to receive benefits, provided he meets all other eligibility requirements. The claimant is not eligible to receive benefits for the week ending June 16, 2012.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css