

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KARALEE J. WOOD
Claimant

APPEAL NO: 17A-UI-07717-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

EGS CUSTOMER CARE INC
Employer

OC: 07/09/17
Claimant: Appellant (1)

Section 96.4-3 – Able and Available for Work

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the July 25, 2017, reference 02, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on August 15, 2017. The claimant participated in the hearing. Turkessa Newsone, Human Resources Generalist, participated in the hearing on behalf of the employer. Claimant's Exhibit A was admitted into evidence.

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 customer service representative for EGS Customer Care from June 15, 2015 to June 29, 2017. She resigned her position because the employment exacerbated her medical condition.

The claimant suffers from post-traumatic stress disorder, major depressive disorder, generalized anxiety disorder, and panic disorder. Her mental health provider advised her to quit her job and to "remain off of work currently and then perhaps pursue other employment opportunities" (Claimant's Exhibit A). The claimant testified she is unable to work at this time and is trying to secure disability.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is not able and available for work.

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's medical provider recommended she leave her employment and "remain off of work currently." The claimant testified she is unable to work at this time. In order to be eligible for unemployment insurance benefits a claimant must be able and available for work and actively seeking work. In this case, the claimant is unable to meet those requirements. Accordingly, benefits must be denied.

DECISION:

The July 25, 2017, reference 02, decision is affirmed. The claimant is not able and available for work. Benefits are denied.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn