

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARY A BELTZ
Claimant

APPEAL NO: 15A-UI-04510-S1T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 02/15/15
Claimant: Appellant (2)**

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Mary Beltz (claimant) appealed a representative's April 1, 2015, decision (reference 04) that concluded he was not eligible to receive unemployment insurance benefits because she was unable to work. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was scheduled to be held on May 19, 2015. The claimant did participate. The claimant offered and Exhibit A 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 considered all of the evidence in the record, finds that: The claimant filed for unemployment insurance benefits with an effective date of February 15, 2015. She was disqualified from receiving unemployment insurance benefits due to a broken left arm. On February 9, 2015, her doctor wrote a note indicating she could return to work with restrictions. On April 27, 2015, her doctor wrote a note indicating she could return to work without restrictions.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes the claimant was able and available 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 was released to return to work with restrictions by her physician on February 11, 2015. She is considered to be able and available for work because her physician stated she was able and available for work. The claimant is qualified to receive unemployment insurance benefits as February 15, 2015.

DECISION:

The representative's April 1, 2015, decision (reference 04) is reversed. The claimant is qualified to receive unemployment insurance benefits as February 15, 2015.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css