

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JESSICA A SNYDER
Claimant

APPEAL NO. 11A-UI-11396-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**CASEY'S MARKETING COMPANY
CASEY'S GENERAL STORES**
Employer

**OC: 06/26/11
Claimant: Appellant (2)**

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Jessica Snyder (claimant) appealed a representative's August 22, 2011, decision (reference 03) that concluded she was not able and available to work with Casey's General Stores (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 19, 2011. The claimant participated personally. The employer participated by Kathy Brown, Manager.

ISSUE:

The issue is whether the claimant is denied unemployment insurance benefits because she voluntarily quit work without good cause attributable to the employer. In addition 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: The claimant was hired on September 13, 2010, as a part-time cook/clerk. The claimant was hospitalized from May 29 through June 3, 2011, due to complications of pregnancy. She was released to return to work with restrictions on June 7, 2011. The employer did not have work that met the claimant's restrictions and agreed to her absence from work. The claimant had her baby on August 18, 2011, but has not been released to return to work without restrictions. Continued work is available once she is released without restrictions.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant was able and available for work. For the following reasons the administrative law judge concludes she is.

871 IAC 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. She is considered to be available for work because her physician stated she was able and available for work. The claimant is not disqualified from receiving unemployment insurance benefits.

DECISION:

The representative's August 22, 2011 decision (reference 03) is reversed. The claimant is considered to be available for work and not disqualified from receiving unemployment insurance benefits.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css