

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HOSSEIN SETAVAND
Claimant

APPEAL NO: 15A-UI-11297-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

TACO JOHNS OF IOWA INC
Employer

**OC: 09/13/15
Claimant: Appellant (1)**

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Hossein Setavand (claimant) appealed a representative's October 7, 2015, decision (reference 03) that concluded he was not eligible to receive unemployment insurance benefits because he was not able to work with Taco Johns of Iowa (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for October 26, 2015. The claimant participated personally. The employer participated by Tim Bieker, General Manager

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: The claimant was hired for a second time on September 30, 2013, and at the end of his employment he was working as a part-time crew member. On July 29, 2015, the claimant told the general manager he wanted to transfer to another location. The claimant did not like his work environment and had asked to transfer on a number of occasions. On August 5, 2015, the claimant wrote the employer a note indicating he quit immediately if he was not transferred. On August 6, 2015, the claimant worked his last day because the employer did not grant the transfer and the employer found the claimant's note. Continued work was available had the claimant not resigned.

The claimant went to the doctor on August 7, 2015. It was one of many appointments the claimant attended. The claimant does not consider himself well enough to work. He filed for unemployment insurance benefits with an effective date of September 13, 2015.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes the claimant is not eligible to receive unemployment insurance benefits.

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, he is considered to be unavailable for work. The claimant does not consider himself well enough to work. The claimant is disqualified from receiving unemployment insurance benefits beginning September 13, 2015, due to his unavailability for work.

DECISION:

The representative's October 7, 2015, decision (reference 03) is affirmed. The claimant is disqualified from receiving unemployment insurance benefits because he is not able for work with the employer.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs