

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMISIA K YOUNG
Claimant

APPEAL NO: 12A-UI-03672-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

CARE INITIATIVES
Employer

OC: 02/12/12
Claimant: Appellant (2/R)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Jamisia Young (claimant) appealed a representative's March 30, 2012 decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits because she was unable to work with Care Initiatives (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for April 25, 2012. The claimant participated personally. The employer was represented by David Williams, assistant manager of appellate services, and participated by Phyllis Hunt, administrator, and Tereasa Ancona, assistant director of nursing. 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 heard the testimony and having considered all of the evidence in the record, finds that: The claimant worked for the employer from February 24, 2011, to February 14, 2012. As of February 26, 2012, the claimant was released to work with restrictions due to pregnancy. She is due to give birth on May 28, 2012.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes the claimant is able and available for work.

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.

The issue of the claimant's separation from employment is remanded for determination.

DECISION:

The representative's March 30, 2012 decision (reference 01) is reversed. The claimant is qualified to receive unemployment insurance benefits, because she is able and available for work with the employer. The issue of the claimant's separation from employment is remanded for determination.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/kjw