

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

EUGENE E FUCHS

Claimant

APPEAL NO. 12A-UI-00915-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEY'S MARKETING COMPANY

Employer

OC: 12/11/11

Claimant: Appellant (2)

Section 96.5-2-a – Discharge for Misconduct

STATEMENT OF THE CASE:

Eugene Fuchs (claimant) appealed a representative's January 19, 2012 decision (reference 02) that concluded he was not able and available for work with Casey's Marketing Company (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for February 20, 2012. The claimant participated personally. The employer participated by Bill Brauer, warehouse manager, and Chris Muhlbauer, second shift supervisor.

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 June 10, 2005, to November 30, 2011. The claimant's physician restricted him from working from December 1, 2011. The physician has not released the claimant to return to work. The claimant filed for unemployment insurance benefits with an effective date of December 11, 2011.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes the claimant is not 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, he is considered to be unavailable for work. The claimant is ill and has not been released to return to work and is

considered to be unavailable for work after December 11, 2011. The claimant is disqualified from receiving unemployment insurance benefits beginning December 11, 2011, due to his unavailability for work.

DECISION:

The representative's January 19, 2012 decision (reference 02) is affirmed. The claimant is disqualified from receiving unemployment insurance benefits, because he is not able and available for work.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/kjw