

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CARRIE M PETRIE
Claimant

IOWA HEALTH SYSTEM
Employer

APPEAL 18A-UI-08046-CL-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 07/01/18
Claimant: Appellant (4)

Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Admin. Code r. 871-24.22(2) – Able & Available - Benefits Eligibility Conditions

STATEMENT OF THE CASE:

The claimant filed an appeal from the July 26, 2018, (reference 02), unemployment insurance decision that denied benefits based upon claimant's availability for work. The parties were properly notified about the hearing. A telephone hearing was held on August 17, 2018. Claimant participated. Employer did not register for the hearing and did not participate. Claimant's Exhibit A was received.

ISSUE:

Is the claimant able to work and available for work effective July 1, 2018?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on December 15, 2015. Claimant last worked as a full-time commercial follow-up representative. Claimant was separated from employment on July 6, 2018, when she was terminated.

June 19, 2018, was claimant's last day of work. Claimant was absent thereafter to care for her stepfather who had both of his legs amputated in November 2017. Claimant was having issues with coordinating his care and the care of her children. Claimant properly reported her absences. On June 26, 2018, claimant requested a personal leave of absence for 30 days to get her affairs in order. Before the request was granted or denied, claimant was terminated.

Claimant's stepfather received prosthetic legs at the beginning of August 2018, and claimant had her personal life in order to the point where she was able to return to work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant is not able to work and available for work for the five weeks ending August 4, 2018. Claimant is available to work thereafter.

Iowa Code section 96.4(3) provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph (1), or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

Claimant was not available for work during the month of July 2018, as she was devoting her time to care for her stepfather and children and get her personal affairs in order. By August 5, 2018, claimant was in a position where she was ready and available to return to work.

DECISION:

The July 26, 2018, (reference 02), decision is modified in favor of claimant. Claimant restricted her availability for work during the five weeks ending August 4, 2018. Claimant is available for work and eligible for benefits effective August 5, 2018, provided she meets all other eligibility requirements.

Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

Decision Dated and Mailed

cal/scn