

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JENNIFER K GILREATH**  
Claimant

**APPEAL NO: 12A-UI-09199-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 07/15/12  
Claimant: Appellant (4)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Jennifer Gilreath (claimant) appealed a representative's July 27, 2012 decision (reference 03) that concluded she was not eligible to receive unemployment insurance benefits because she was unable to work. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on August 20, 2012. The claimant did participate.

**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 gave birth to a child on June 29, 2012. Her physician said she could not return to work for six weeks. On August 9, 2012, the claimant's physician indicated she could return to work without restrictions.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes the claimant was not able to work from June 29 through August 9, 2012.

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 restricted from working from June 29, through August 9, 2012. She is considered to be unavailable for work during that time. The claimant is not eligible

to receive unemployment insurance benefits from June 29 through August 9, 2012, due to her inability to work.

**DECISION:**

The representative's July 27, 2012 decision (reference 03) is modified in favor of the appellant. The claimant is not eligible to receive unemployment insurance benefits from June 29 through August 9, 2012, because she is not able to work.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/pjs