

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

BETHANY L FRELAND

Claimant

APPEAL NO. 14A-UI-11786-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

BURKE MARKETING CORPORATION

Employer

OC: 08/24/14

Claimant: Appellant (1/R)

Section 96.4-3 – Able to and Available for Work

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated November 7, 2014, reference 04, that concluded she was not able to work for the week ending August 30, 2014. A telephone hearing was scheduled for November 4, 2014. The parties were properly notified about the hearing. Neither party participated in the hearing. Based on the administrative file and the law, the following findings of fact, reasoning and conclusions of law, and decision are entered.

ISSUE:

Was the claimant able to and available for work?

FINDINGS OF FACT:

The claimant worked part time as a sanitation laborer for the employer from April 7 to August 22, 2014.

The claimant cut her hand at home and was unable to work on August 23 and 24. She called in properly and provided a doctor's excuse. In the doctor's excuse, the doctor advised that the claimant was not able to work for 10 days.

The claimant filed a new claim for unemployment insurance benefits with an effective date of August 24, 2014.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is able to work, available for work, and earnestly and actively seeking work as required by the unemployment insurance law in Iowa Code § 96.4-3.

Iowa Admin. Code r. 871-24.23(6) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(6) If an individual has a medical report on files submitted by a physician, stating such individual is not presently able to work.

The claimant's doctor took her off work for 10 days, which would be from August 23 through September 2, 2014. The claimant therefore would be ineligible for benefits for the week ending August 30, 2014. She would be eligible for benefits afterward since she was able to work a majority of the week ending September 5, 2014.

The Agency mistakenly put an indefinite lock on the claimant's claim effective November 2, 2014. The matter of unlocking the claim is remanded to the Agency.

DECISION:

The unemployment insurance decision dated November 7, 2014, reference 04, is affirmed. The claimant is ineligible for benefits for the week ending August 30, 2014. She is eligible for benefits effective August 31, 2014. The matter of unlocking the claim is remanded to the Agency.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/can