

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**JEANNETTE S BALLAS**  
Claimant

**APPEAL NO. 18A-UI-00656-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WAL-MART STORES INC**  
Employer

**OC: 12/24/17**  
**Claimant: Appellant (4)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Jeannette Ballas (claimant) appealed a representative's January 11, 2018, decision (reference 02) that concluded she was not eligible to receive unemployment insurance benefits because she was not available to work at Wal-Mart Stores (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for February 6, 2018. The claimant participated personally. The employer did not provide a telephone number where it could be reached and therefore, did not participate in the hearing. Exhibit D-1 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 considered all of the evidence in the record, finds that: The claimant worked for the employer as an overnight stocker from August 19, 2000, to December 24, 2017. The claimant was diagnosed with rheumatoid arthritis.

At the time of her separation from employment, the claimant was unable to work because of her medical condition. She was able to rest and by January 14, 2018, she could return to full-time work.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes the claimant was able and available for work as of January 14, 2018.

Iowa Admin. Code r. 871-24.23(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 unable to perform work due to her medical condition until January 14, 2018. Benefits are allowed as of January 14, 2018, provided the claimant is otherwise eligible.

**DECISION:**

The representative's January 11, 2018, decision (reference 02) is modified in favor of the appellant. The claimant was unable to perform work due to her medical condition until January 14, 2018. Benefits are allowed as of January 14, 2018, provided the claimant is otherwise eligible.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/rvs