

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

STEPHANIE A MANDITY
Claimant

APPEAL NO: 18A-UI-09082-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

GRAPETREE MEDICAL STAFFING INC
Employer

OC: 07/22/18
Claimant: Respondent (4)

Section 96.4-3 – Able and Available for Work

STATEMENT OF THE CASE:

The employer filed a timely appeal from the August 24, 2018, reference 05, decision that allowed benefits to the claimant. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on September 18, 2018. The claimant did not respond to the hearing notice and did not participate in the hearing or request a postponement of the hearing, as required by the hearing notice. Abbey Brophy, Human Resources Specialist, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant is able and available for work.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was hired as a part-time on-call CNA for Grapetree Medical Staffing, Inc. November 29, 2017 and continues to be employed in that capacity today. The claimant passed out and hit her head March 21, 2018, and was taken to the hospital by ambulance and had not worked since that date as she has been on a leave of absence. She brought the employer a doctor's release today at 11:00 a.m. without restrictions. Consequently, after checking the claimant's credentials she will be able to resume working again.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is able and available for work effective the week ending September 22, 2018.

Iowa Code § 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".

The claimant has no medical restriction or other limitation on her employability effective September 18, 2018. Accordingly, benefits are allowed effective the week ending September 22, 2018.

DECISION:

The August 24, 2018, reference 05, decision is modified in favor of the appellant. The claimant has no restriction or limitation on her employability effective September 17, 2018. Benefits are allowed the week ending September 22, 2018, provided the claimant is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn