

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

VENUS MARKHAM
Claimant

APPEAL NO: 18A-UI-09502-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

EGS CUSTOMER CARE INC
Employer

**OC: 03/18/18
Claimant: Respondent (1)**

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

EGS Customer Care (employer) appealed a representative's September 7, 2018, decision (reference 03) that concluded Venus Markham (claimant) was eligible to receive unemployment insurance benefits as of August 12, 2018. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for October 2, 2018. The claimant participated personally. The employer participated by Matthew Hampson, Team Lead. The claimant offered and Exhibit A 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 from December 12, 2016, to December 26, 2017, as a full-time customer service representative. She was on a leave of absence due to a medical condition. On May 8, 2018, the employer terminated the claimant. The claimant saw her health care provider on August 14, 2018. The provider released her to return to work without restrictions on August 14, 2018.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes the claimant is able and available for work as of August 12, 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.

The claimant has the burden of proof in establishing his ability and availability for work. *Davoren v. Iowa Employment Security Commission*, 277 N.W.2d 602 (Iowa 1979). 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 released to return to work without restrictions by her health care provider on August 14, 2018. She is considered to be available for work because her physician stated she was able to return to work without restrictions. Benefits are allowed as of August 12, 2018, provided the claimant is otherwise eligible.

DECISION:

The representative's September 7, 2018 decision (reference 03) is affirmed. The claimant is able and available for work as of August 12, 2018. Benefits are allowed as of August 12, 2018, provided the claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/rvs