

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MOLLY B JONES**  
Claimant

**APPEAL NO: 17A-UI-05877-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SUPREME STAFFING INC**  
Employer

**OC: 05/07/17**  
**Claimant: Appellant (1)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Molly Jones (claimant) appealed a representative's May 30, 2017, decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits because she was not able to work with Supreme Staffing (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for June 22, 2017. The claimant participated personally. The employer participated by Mike Riehl, Office Manager. 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 employer is a temporary service. The claimant worked for the employer from February 18, 2016, to May 3, 2017. At the end of her employment she was assigned to work at C & W Services as a temporary full-time general laborer. On May 3, 2017, the claimant collected her paycheck and told the employer she was having hip surgery. She said she would be gone for a few months. The employer told her she could return to work when she had a release without restrictions from her physician.

On May 10, 2017, the claimant called the employer and authorized someone else to collect her paycheck. She had surgery on May 10, 2017. The claimant remembers being released to return to work with restrictions on May 10, 2017, and providing the document to the employer. The employer did not receive the doctor's note but no work would have been available to the claimant because the claimant was restricted to working with crutches and taking breaks when she needed them. On June 7, 2017, the claimant saw her physician again. She was subject to the same restrictions until her next doctor's appointment.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes the claimant is not able and available for work.

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 medically unable to perform the duties of her job due to illness or infirmity, she is considered to be unavailable for work. The claimant is disqualified from receiving unemployment insurance benefits due to her inability to work.

**DECISION:**

The representative's May 30, 2017, decision (reference 01) is affirmed. The claimant is disqualified from receiving unemployment insurance benefits because she is not available for work with the employer.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/rvs