

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MONICA S HILL
Claimant

APPEAL NO: 14A-UI-06634-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 05/18/14

Claimant: Appellant (1)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Monica S. Hill (claimant) appealed a representative's June 20, 2014 decision (reference 02) that concluded she was not qualified to receive unemployment insurance benefits by not being able and available for work. After hearing notices were mailed to the claimant's last-known address of record, a telephone hearing was held on July 18, 2014. This appeal was consolidated for hearing with one related appeal, 14A-UI-06635-DT. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Was the claimant eligible for unemployment insurance benefits by being able and available for work?

FINDINGS OF FACT:

The claimant's only base period employer was APAC Customer Services (APAC). For most of her employment with APAC she worked full time (40 hours per week), including during the third quarter 2013, the high quarter of her base period and the quarter upon which her benefits were calculated. Because of a medical issue, she requested and was allowed to reduce her position to part time in October 2013. That employment then ended in early January 2014.

The claimant also had employment with a subsequent, non-base period employer, from January 21 through May 15, 2014. That employment also began as full time, but she subsequently requested and was allowed to reduce her position to part time due to health issues. The claimant's health issues are a heart condition and asthma.

In about April 2014 the claimant's cardiologist recommended that the claimant restrict her hours to 30 hours per week. While the claimant might be willing to seek full-time employment, her doctor has not yet cleared her for full-time work as of the date of the hearing in this matter.

REASONING AND CONCLUSIONS OF LAW:

With respect to any week in which unemployment insurance benefits are sought, in order to be eligible the claimant must be able to work, is available for work, and is earnestly and actively seeking work. Iowa Code § 96.4-3. To be found able to work, a claimant must remain available for work on the same basis as when her base period wages were accrued. Rule 871 IAC 24.22(2)f.

From May 18 and through at least the date of the hearing in this matter, the claimant is not able to work on the same full-time basis as she did when her base period wages were accrued. Benefits are denied until such time as the claimant is cleared by her doctor as being able to work full time, if the claimant is then otherwise eligible.

DECISION:

The representative's June 20, 2014 decision (reference 02) is affirmed. The claimant is not sufficiently able to work and available for work to be eligible to receive benefits effective May 18, 2014. The claimant is currently not qualified to receive unemployment insurance benefits.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs