

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ANTHONY J MILLER**  
Claimant

**APPEAL NO: 15A-UI-06812-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 04/12/15**  
**Claimant: Appellant (1)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Anthony Miller (claimant) appealed a representative's June 10, 2015, decision (reference 02) that concluded he was not eligible to receive unemployment insurance benefits because he was unable to work. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on June 25, 2015. The claimant did participate. 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 reported he was not able and available for work for the four-week period ending May 30, 2015. During an interview with a representative on June 9, 2015, the claimant reported he went to the emergency room on May 1, 2015. On May 4, 2015, his physician restricted him from working. The claimant's next doctor's appointment is on June 29, 2015.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes the claimant is not able to 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 ill and unable to perform work due to that illness, he is considered to be unavailable for work. The claimant's physician has not released the claimant to work. He is considered to be unable to work as of May 3, 2015. The claimant is disqualified from receiving unemployment insurance benefits beginning May 3, 2015, due to his inability to work.

**DECISION:**

The representative's June 10, 2015, decision (reference 02) is affirmed. The claimant is disqualified from receiving unemployment insurance benefits because he is not able to work. The claimant's availability may be affected by a future release from his physician.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

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