

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

INDONESIA Q SMITH
Claimant

APPEAL NO: 13A-UI-09416-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/31/13
Claimant: Appellant (2)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Indonesia Smith (claimant) appealed a representative's August 12, 2013, decision (reference 09) that concluded she was not eligible to receive unemployment insurance benefits because she 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 September 18, 2013. 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 received 30-minute antibiotic treatments once per week from May 5 through May 25, 2013. The treatments were at a hospital and did not affect her ability to work. She was able and available for work at all other times during the week. The nurse who completed the Request for Medical Report form put "Hospitalization" because the workforce advisor told the nurse to put down the dates the claimant was anywhere near a hospital. The form asks if the claimant had any restrictions. The answer is "None."

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes the claimant was able and available for work from May 5 through May 25, 2013.

871 IAC 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, she is considered to be unavailable for work. The claimant had no restrictions from her physician. She is considered to be able and available for work because her physician stated she was able and available for work. The claimant is not disqualified from receiving unemployment insurance benefits.

DECISION:

The representative's August 12, 2013, decision (reference 09) is reversed. The claimant is not disqualified from receiving unemployment insurance benefits.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs