

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

NORA V VAUPEL
Claimant

APPEAL NO. 13A-UI-00463-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

MERCY MEDICAL CENTER
Employer

OC: 11/25/12
Claimant: Appellant (1)

Section 96.4-3 – Able and Available
871 IAC 24.23(1) – Unable to Work/Illness

STATEMENT OF THE CASE:

The claimant appealed from a representative's decision dated January 3, 2013, reference 01, that held she voluntarily quit without good cause due to illness on November 25, 2012, and benefits are denied. A hearing was held on February 13, 2013. The claimant did not participate. The employer did not participate.

ISSUE:

The issue is whether claimant is able and available to work.

FINDINGS OF FACT:

The administrative law judge having heard the witness testimony and having considered the evidence in the record, finds that: The claimant began employment on July 15, 1996 and last worked as a part-time nurse manager on September 11, 2012. The employer granted claimant FMLA on September 11, 2012 due to a non-work-related illness. When it expired, claimant was put on a medical leave of absence on December 7 that continues through the date of this hearing. Claimant has not quit her job.

Claimant failed to respond to the hearing notice and the employer representative could not be reached at the phone number provided.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.4-3 provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19,

subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

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.

The administrative law judge concludes claimant is not eligible for benefits because she is not able to perform work due to illness. Benefits are denied November 25, 2012. There is no evidence claimant has quit employment, but she is on a medical leave of absence.

DECISION:

The decision of the representative dated January 3, 2013, reference 01, is affirmed. The claimant is not able to perform work due to illness and benefits are denied for November 25, 2012.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/tll