

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**TRACI HODGES**

Claimant

**APPEAL 19A-UI-08748-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 08/11/19**

**Claimant: Appellant (5)**

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Iowa Code § 96.4(3) – Ability to and Availability for Work

Iowa Admin. Code r. 871-24.22(2) – Able & Available - Benefits Eligibility Conditions

**STATEMENT OF THE CASE:**

On November 5, 2019, the claimant filed an appeal from the October 29, 2019, (reference 01) unemployment insurance decision that denied benefits during the one week ending October 12, 2019, based on claimant's inability to work. The claimant was properly notified about the hearing. A telephone hearing was held on November 20, 2019. Claimant participated personally.

**ISSUE:**

Is the claimant able to and available for work?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was ill and unable to work all hours available to her during the one week ending October 19, 2019. Claimant worked only a short period of time, completing paperwork for a new, temporary employer.

Claimant was able to and available for work during the one week ending October 12, 2019.

**REASONING AND CONCLUSIONS OF LAW:**

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that the individual is able to work, is available for work, and is earnestly and actively seeking work. Iowa Code § 96.4(3).

Iowa Admin. Code r. 871-24.22(1)a provides:

Benefits eligibility conditions. For an individual to be eligible to receive benefits the department must find that the individual is able to work, available for work, and earnestly and actively seeking work. The individual bears the burden of establishing that the individual is able to work, available for work, and earnestly and actively seeking work.

(1) Able to work. An individual must be physically and mentally able to work in some gainful employment, not necessarily in the individual's customary occupation, but which is engaged in by others as a means of livelihood.

a. Illness, injury or pregnancy. Each case is decided upon an individual basis, recognizing that various work opportunities present different physical requirements. A statement from a medical practitioner is considered prima facie evidence of the physical ability of the individual to perform the work required. A pregnant individual must meet the same criteria for determining ableness as do all other individuals.

In this case, claimant was ill and was unable to work during the one week ending October 19, 2019. Therefore, claimant was not eligible for benefits that week.

Claimant was not ill during the one week ending October 12, 2019. Therefore, she is eligible for benefits during the one week ending October 12, 2019.

**DECISION:**

The October 29, 2019, (reference 01) unemployment insurance decision is modified with no change in effect. The claimant is able to work and available for work during the one week ending October 12, 2019. Benefits are allowed that week. Claimant is not able to and available for work due to illness during the one week ending October 19, 2019. Benefits are denied for that week only.



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Christine A. Louis  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515)478-3528

November 27, 2019  
Decision Dated and Mailed

cal/scn