

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHASTITY L WILSON
Claimant

APPEAL NO. 17A-UI-09918-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

AT&T MOBILITY SERVICES LLC
Employer

OC: 09/03/17
Claimant: Appellant (1)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Chastity Wilson (claimant) appealed a representative's September 26, 2017, decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits as of September 3, 2017, because she requested and was granted a leave of absence from AT&T Mobility Services (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for October 13, 2017. The claimant participated personally. The employer was represented by Karen Stonebraker, Hearings Representative, and participated by Jamie Durkop, Attendance Manager.

ISSUE:

The issue is whether the claimant is 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 was hired on February 20, 2017, as a full-time customer service representative. She worked Monday, Tuesday, Thursday, Friday, and Saturday, 10 a.m. to 6 p.m.

The claimant had a heart attack in March 2017, and began having seizures and memory issues. In May, June, and July 2017, she took intermittent leave. From July 10 to August 21, 2017, the claimant took a leave of absence. On August 22, 2017, the claimant met with the attendance manager. The claimant asked her to open up the schedule so the claimant could use vacation days. The claimant told the employer her physician wanted her to work part-time hours. The manager informed the claimant that the employer did not have any part-time jobs unless the claimant got the position supported through a disability claim. The claimant had the forms to proceed with a disability claim.

The claimant's physician provided the employer's vendor with a doctor's note dated August 31, 2017, that stated the claimant could work five days per week, four hours per day. The claimant took vacation from August 22 to September 1, 2017. On September 2, 2017, the claimant called in sick. On September 4, 2017, the claimant appeared for work and left after thirty

minutes without notifying her supervisor. She did not appear for work or notify the employer of her absence after September 4, 2017.

The claimant filed for unemployment insurance benefits with an effective date of September 3, 2017. On September 19, 2017, the employer was able to reach the claimant after calling her a few times. The claimant told the employer she was resigning. Continued work was available had the claimant not resigned.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes the claimant is not eligible to receive unemployment insurance benefits from September 4 to 19, 2017.

Iowa Admin. Code r. 871-24.23(29) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(29) Failure to work the major portion of the scheduled workweek for the claimant's regular employer.

When an employee does not work the major portion of the scheduled workweek for her employer, she is considered to be unavailable for work. The claimant stopped appearing for work for four hours per day or reporting her absences. She is considered to be unavailable for work from September 4 to 19, 2017. The claimant is disqualified from receiving unemployment insurance benefits due to her unavailability for work.

DECISION:

The representative's September 26, 2017, decision (reference 01) is affirmed. The claimant is disqualified from receiving unemployment insurance benefits because she was not available for work with the employer from September 4 to 19, 2017.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/scn