

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ROSE M PUCCIO**

Claimant

**APPEAL NO. 13A-UI-03271-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**COVENANT CARE ENNOBLE**

Employer

**OC: 02/03/13**

**Claimant: Appellant (4)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Rose Puccio (claimant) appealed a representative's March 14, 2013 decision (reference 02) that concluded she was not eligible to receive unemployment insurance benefits because she was unable to work with Covenant Care Ennoble (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for April 16, 2013. The claimant participated personally. The employer did not provide a telephone number where it could be reached and therefore, did not participate in the hearing. The claimant offered and Exhibit A 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 worked for the employer from June 26, 2012, to February 6, 2012. She suffered a non-work-related injury in November 2012. From February 5 through March 24, 2013, she was given work restrictions by her physician but the employer did not have work for her. The physician restricted the claimant from all work as of March 27, 2013, due to surgery.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes the claimant is able to work from February 3 through March 23, 2013. She is not able to work after March 24, 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 was released to return to work with restrictions by her physician from February 5 to March 27, 2013. She was restricted from all work after March 27, 2013. She is considered to be available for work from February 3 through March 23, 2013, because her physician stated she was able and available for work. For that period she is not disqualified from receiving unemployment insurance benefits. The claimant is considered to be unavailable for work after March 24, 2013. The claimant is disqualified from receiving unemployment insurance benefits beginning March 24, 2013, due to her unavailability for work.

**DECISION:**

The representative's March 14, 2013 decision (reference 02) is modified in favor of the appellant. From February 3 through March 23, 2013, the claimant is qualified to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits beginning March 24, 2013, due to her unavailability for work.

---

Beth A. Scheetz  
Administrative Law Judge

---

Decision Dated and Mailed

bas/css