

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TERRY L STARKEY**  
Claimant

**APPEAL NO. 09A-UI-04634-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**Original Claim: 02/15/09  
Claimant: Appellant (1)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Terry Starkey (claimant) appealed a representative's March 11, 2009 decision (reference 03) that concluded he was not eligible to receive unemployment insurance benefits because he is not able and available to work. After hearing notices were mailed to the claimant's last-known addresses of record, a telephone hearing was scheduled for April 21, 2009. The claimant participated personally.

**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 having considered all of the evidence in the record, finds that: The claimant filed for unemployment insurance benefits with an effective date of February 15, 2009. The claimant feels pain in his back, hips, hands, knees, shoulders, and ankles. He has a colostomy and cannot wear a brace. The claimant suffers from sleeplessness and adult attention deficit disorder. He has been diagnosed with depression and anxiety and stress disorders. The claimant does not know of any work he can perform.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes the claimant is not able and available for work.

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, he is considered to be unavailable for work. The claimant is considered to be unavailable for work. The claimant is

disqualified from receiving unemployment insurance benefits beginning February 15, 2009, due to his unavailability for work.

**DECISION:**

The representative's March 11, 2009 decision (reference 03) is affirmed. The claimant is disqualified from receiving unemployment insurance benefits because he is not available for work.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/kjw