

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RICHARD A MORRIN
Claimant

APPEAL NO. 13A-UI-11346-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

SDH SERVICES WEST LLC
Employer

**OC: 12/16/12
Claimant: Appellant (1)**

Section 96.4-3 –Able and Available

STATEMENT OF THE CASE:

The claimant filed an appeal from a representative's decision dated September 27, 2013, reference 05, which held that the claimant was ineligible for unemployment insurance benefits from September 8, 2013, through September 14, 2013. After due notice, a hearing was held on November 4, 2013. The claimant participated personally. The employer participated by Zach Smith, executive chef. This case was heard in conjunction with 13A-UI-11345-VST.

ISSUE:

Whether the claimant was able and available for work from September 8, 2013, through September 14, 2013.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The claimant established an original claim for unemployment insurance benefits with an original claim date of December 16, 2012. The claimant made a weekly claim for benefits for the week ending September 14, 2013. The claimant was unable to work that week due to a hyper extended tendon.

REASONING AND CONCLUSIONS OF LAW:

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 claimant is not eligible for benefits from September 8, 2013, through September 14, 2013. The claimant testified that he was off work per a doctor's excuse due to a hyperextended tendon in his arm. He was not able and available for work.

DECISION:

The decision of the representative dated September 27, 2013, reference 05, is affirmed. The claimant is not eligible for benefits from September 8, 2013, through September 14, 2013.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/pjs