

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KERRI A OLTROGGE
Claimant

APPEAL 18A-UI-07986-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 04/22/18
Claimant: Appellant (1)**

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:

The claimant filed an appeal from the July 19, 2018, (reference 02), unemployment insurance decision that denied benefits effective June 24, 2018, based on claimant's ability to work. After due notice was issued, a telephone conference hearing was scheduled to be held on August 16, 2018. Claimant participated.

ISSUE:

Is the claimant able to work and available for work effective June 24, 2018?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: On June 23, 2018, claimant suffered a stroke and was hospitalized from June 24, 2018, until July 3, 2018. As a result, claimant has difficulty using her left leg and left arm. When claimant was discharged from the hospital, her medical provider instructed her that she could not drive a car, shower, go up and down the stairs, or be home alone. Claimant is taking blood thinner and is unstable when walking, so a slip and fall could be fatal if no one is present to assist her.

Claimant began therapy on July 16, 2018, and as of approximately July 23, 2018, is able to go up and down stairs. The other restrictions remain in place.

Claimant's husband can provide transportation to and from work.

Claimant has experience working at Wells Fargo Mortgage. Claimant is currently looking for positions that involve telephone work and require very little typing as she is currently only able to type 13 words per minute.

As claimant was unemployed at the time she suffered the stroke, no medical provider has given any opinion on whether claimant is able to work at this time.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant has not established she is able to work and available for work.

Iowa Admin. Code r. 871-24.23(35) provides:

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

(35) Where the claimant is not able to work and is under the care of a medical practitioner and has not been released as being able to work.

In this case, claimant has some significant medical issues and has not established she is able to work at this time. Although claimant is taking steps to put herself in a position to be able to work, and the administrative law judge certainly commends her for this, no medical professional has opined on whether claimant can physically work at this time, and if so, what jobs she can perform. Due to claimant's physical limitations at this time, medical documentation is necessary to support a determination that claimant is able to work.

DECISION:

The July 19, 2018, (reference 02), unemployment insurance decision is affirmed. The claimant is not able to work and available for work effective June 24, 2018. Benefits are denied until claimant presents the agency documentation from her medical care provider releasing her to return to work.

Christine A. Louis
Administrative Law Judge
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Decision Dated and Mailed

cal/scn