

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ALEXANDRIA L SCHMINKE

Claimant

APPEAL NO: 14A-UI-04361-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TRINITY REGIONAL MEDICAL CENTER

Employer

OC: 03/23/14

Claimant: Appellant (1)

Iowa Code § 96.4(3) – Ability to and Availability for Work

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's April 14, 2014 determination (reference 03) that held her ineligible to receive benefits as of March 23, 2014, because she was ill and unable to work. The claimant participated at the May 15 hearing. Ted Vaughn, the human resource director, and Nadine Schlienzen appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not available for work and ineligible to receive benefits as of March 23, 2014.

ISSUE:

As of March 23, 2014, is the claimant able to and available for work?

FINDINGS OF FACT:

The claimant started working for the employer in July 2013. The employer hired her full time to work as a social worker. Starting in October 2013, the claimant had medical issues that prevented her from working full time. There were some days she could work eight hours and some days she could not. The claimant's full-time job with the employer ended in mid-January 2014.

When the claimant worked for the University of Iowa at a part-time job in December, she worked three days a week. The claimant did not experience any medical issues that prevented her from completing this temporary, part-time job. As of May 15, 2014, the claimant's medical issues have not yet been controlled by medication. The claimant still has days she can work eight hours a day and other days she cannot. The claimant continues to work with her physician in an attempt to get her medical issue controlled. The claimant's physician has not placed any work restrictions on the claimant. Her physician allows the claimant to work as able.

The claimant is looking for a job where she can work from home when her medical issue occurs. The claimant wants flexibility where she works. The claimant has a Masters in social work and experience in working with children and adults with mental illness. The claimant is also looking for work as a journalist or as a consultant in her field of expertise.

Even though the claimant established a claim for benefits during the week of March 23, 2014, she has not filed any weekly claims as of May 15, 2014.

REASONING AND CONCLUSIONS OF LAW:

Each week a claimant files a claim for benefits, she must establish that she is able to and available for work. Iowa Code § 96.4(3). As of the date of this decision, the claimant established that she is available to work part time. The law presumes a claimant is not available for work when she is not willing to work during the hours in which suitable work is available or is not willing to work the number of hours required to work in her occupation. 871 IAC 24.23(16), (17). Based on the unpredictability of the claimant's medical issues, at this time she is essentially looking for a tailor-made job. Until her medical condition become more controlled or she establishes work that she can perform on a full time basis the claimant is able to work, but she is not available for work as defined for unemployment insurance purpose. As of March 23, 2014, the claimant is not eligible to receive benefits.

DECISION:

The representative's April 14, 2014 determination (reference 03) is affirmed. Until the claimant's medical issue becomes more controlled or she can establish work that she can perform on a full-time basis without looking for a tailor-made job, the claimant is not available for work for unemployment insurance purposes. As of March 23, 2014, the claimant is not eligible to receive benefits.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css