

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ESSENCE S ANTHONY
Claimant

GREAT RIVER MEDICAL CENTER HUMAN
Employer

APPEAL 19A-UI-06614-S1-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 07/28/19
Claimant: Respondent (2R)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Great River Medical Center Human (employer) appealed a representative's August 16, 2019 decision (reference 02) that concluded Essence Anthony (claimant) was discharged and there was no evidence of willful or deliberate misconduct. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for September 26, 2019. The claimant did not provide a telephone number for the hearing and, therefore, did not participate. The employer participated by Laura Bailey, Human Resources Generalist; Lari Smith, Emergency Medical Services Supervisor; and Bobbi Ahlen, Director of the Emergency Department.

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 September 10, 2018, to July 22, 2019, as a full-time paramedic. Her employment ended on July 22, 2019.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant was not able and available for work as of July 28, 2019.

Iowa Code section 96.4(3) provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19,

subsection 38, paragraph "b", unnumbered paragraph (1), or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

The claimant has the burden of proof in establishing his ability and availability for work. *Davoren v. Iowa Employment Security Commission*, 277 N.W.2d 602 (Iowa 1979). The claimant did not present any evidence to prove she was able and available to work as of July 28, 2019. Accordingly, benefits are denied.

The issue of the claimant's separation from employment is remanded for the issue of the separation.

DECISION:

The representative's August 16, 2019, decision (reference 02) is reversed. The claimant is not able and available for work as of July 28, 2019. Benefits are denied.

The issue of the claimant's separation from employment is remanded for the issue of the separation.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/rvs