

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SAMANTHA M DEKEYREL

Claimant

APPEAL NO: 17A-UI-05102-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

ASCENT PROFESSIONAL STAFFING LLC

Employer

OC: 04/23/17

Claimant: Appellant (4/R)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Samantha Dekeyrel (claimant) appealed a representative's May 10, 2017 decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits because she was unable to work for Ascent Professional Staffing (employer) due to illness. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for June 1, 2017. The claimant participated personally. The employer participated by Tyler Sulzberger, President/Owner. The claimant offered and Exhibit A was received into evidence. Exhibit D-1 was received into evidence.

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 employer is a temporary agency that places employees at Bridgestone. The claimant worked for the employer from the end of March 2017, to April 8, 2017. The claimant's doctor restricted her from working on April 10, 2017, due to medical complications. Shortly thereafter the employer terminated her employment. On May 9, 2017, the claimant's physician returned her to work without restriction.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes the claimant is able and available for work as of May 9, 2017.

Iowa Admin. Code r. 871-24.23(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, she is considered to be unavailable for work. The claimant was released to return to work without restrictions by her physician on May 9, 2017. She is considered to be available for work as of May 7, 2017, because her physician stated she was able and available for work. Benefits are allowed as of May 7, 2017, provided claimant is otherwise eligible.

The issue of the separation from employment is remanded for determination.

DECISION:

The representative's May 10, 2017, decision (reference 01) is modified in favor of the appellant. Benefits are allowed as of May 7, 2017, provided claimant is otherwise eligible. The issue of the separation from employment is remanded for determination.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/rvs