

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**KATREASE M SCHAFF-HAAS**  
Claimant

**A & A DELIVERY LLC**  
Employer

**APPEAL 22A-UI-05742-SN-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 02/13/22  
Claimant: Appellant (1)**

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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, Katrease M Schaff-Haas, filed an appeal from the March 2, 2022, (reference 01) unemployment insurance decision that denied benefits based upon the conclusion she requested and was granted a leave of absence. The parties were properly notified of the hearing. A telephone hearing was held on April 13, 2022. The claimant participated. The employer participated through Owner Asim Huskanovic. Exhibit 1 was received into the record. Official notice was taken of the agency records.

**ISSUE:**

Whether the claimant was able and available for work effective

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds:

The claimant was employed full-time as a delivery driver from August 26, 2021, until this employment ended on February 8, 2022, when she was discharged. The claimant worked a variable schedule between 30 and 50 hours per week. Her rate of pay prior to her separation was \$18.00 per hour.

On February 7, 2022, the claimant had a seizure.

On February 8, 2021, the claimant visited her physician regarding the seizure. The claimant was given a doctor's note restricting her from driving and operating heavy equipment for an indeterminate amount of time. That same day, the claimant informed Owner Asim Huskanovic of her restrictions. Mr. Huskanovic informed the claimant that he did not have light duty assignments she could perform within her restrictions. Mr. Huskanovic testified that any duties outside of the category of driving and operating heavy machinery have been performed by him.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant is not able to work and available for work effective February 8, 2022. Benefits are denied.

Iowa Code section 96.4(3)a provides:

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

3. a. 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 96.1A, subsection 37, paragraph "b", subparagraph (1), or temporarily unemployed as defined in section 96.1A, subsection 37, 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".

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.

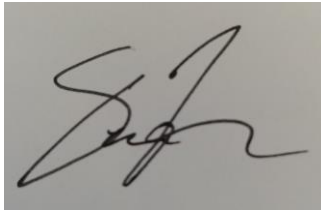
(10) The claimant requested and was granted a leave of absence, such period is deemed to be a period of voluntary unemployment and shall be considered ineligible for benefits for such period.

(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 order to be eligible for benefits, an individual claiming benefits must be able to work, available for work, and actively and earnestly seeking work. In this case, the claimant was restricted from performing the work she ordinarily performed for her employer effective February 8, 2022. Accordingly, benefits are denied.

**DECISION:**

The March 2, 2022, (reference 01) unemployment insurance decision is affirmed. The claimant is not able to work and available for work effective February 8, 2022. Benefits are denied.

A handwritten signature in black ink, appearing to read 'Sean M. Nelson', is shown within a rectangular frame.

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Sean M. Nelson  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
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Fax (515) 725-9067

April 20, 2022  
Decision Dated and Mailed

smn/jh