

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LINDA J HARDER
Claimant

APPEAL NO: 17A-UI-05447-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

DOHERTY STAFFING SOLUTIONS
Employer

OC: 04/23/17
Claimant: Appellant (1)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Linda Harder (claimant) appealed a representative's May 17, 2017 decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits because she was unable to work with Doherty Staffing Solutions (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for June 8, 2017. The claimant participated personally. The employer participated by Glenda Niemiec, Unemployment Administrator. The claimant offered and Exhibit A 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. The claimant worked for the employer from July 23, 2012, to April 12, 2017. During her employment the claimant was assigned to work at Cargill in Mason City as a part-time production and packaging worker. The claimant requested part-time work so she could care for her husband. She never worked more than twenty hours per week.

On April 18, 2017, the claimant provided the employer a doctor's note that restricted her to light duty work. The employer did not have light duty work available. On May 25, 2017, the employer returned her to work when the claimant gave the employer a doctor's note releasing her to return to work without restrictions.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes the claimant was not eligible to receive unemployment insurance benefits from April 23 to May 27, 2017, due to her inability to work.

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 medically unable to perform the duties of her job due to illness or infirmity, she is considered to be unavailable for work. The claimant is disqualified from receiving unemployment insurance benefits from April 23 to May 27, 2017, due to her inability to work.

DECISION:

The representative's May 17, 2017 decision (reference 01) is affirmed. The claimant is disqualified from receiving unemployment insurance benefits from April 23 to May 27, 2017, because she was not available for work with the employer.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/rvs