

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KEYANNA D LEVY
Claimant

APPEAL 22A-UI-08717-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 10/17/21
Claimant: Appellant (4)**

Iowa Code § 96.4(3) – Eligibility - Able and Available

STATEMENT OF THE CASE:

On April 7, 2022, Keyanna Levy (claimant/appellant) filed an appeal from the Iowa Workforce Development (“IWD”) decision dated March 29, 2022 (reference 04) that denied unemployment insurance benefits as of March 27, 2022 based on a finding claimant was not able to perform work due to illness.

A telephone hearing was held on May 19, 2022. The parties were properly notified of the hearing. Appeal Nos. 22A-UI-08714, 22A-UI-08716, 22A-UI-08717, and 22A-UI-08718 are related and were heard together. Claimant participated personally. IWD Career Advisor Maria Cortez participated for purposes of Appeal No. 22A-UI-08714. Official notice was taken of the administrative record.

ISSUES:

Is the claimant able to and available for work?

FINDINGS OF FACT:

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

Claimant was not able to and available for work in the week ending April 2, 2022. This is because claimant was in labor and recovering during that week. Claimant’s doctor released her to return to work in the following week. Claimant was again able to and available for work effective with the benefit week ending April 9, 2022.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the decision dated March 29, 2022 (reference 04) that denied unemployment insurance benefits as of March 27, 2022 based on a finding claimant was not able to perform work due to illness is MODIFIED in favor of appellant.

Iowa Code section 96.4 provides in relevant part:

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".

Claimant was not able to and available for work in the week ending April 2, 2022. This is because claimant was in labor and recovering during that week. Claimant's doctor released her to return to work in the following week. Claimant was again able to and available for work effective with the benefit week ending April 9, 2022.

DECISION:

The decision dated March 29, 2022 (reference 04) that denied unemployment insurance benefits as of March 27, 2022 based on a finding claimant was not able to perform work due to illness is MODIFIED in favor of appellant. Claimant is ineligible for benefits in the week ending April 2, 2022 due to being unable and unavailable for work. However, claimant was able to and available for work effective with the week ending April 9, 2022 and so benefits are allowed beginning that week, provided claimant is not otherwise disqualified or ineligible.



Andrew B. Duffelmeyer
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 478-3528

May 26, 2022
Decision Dated and Mailed

abd/abd