

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**LAKEESHA G FUNCHES**

Claimant

**APPEAL 19A-UI-09526-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 08/25/19**

**Claimant: Appellant (4)**

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Iowa Code § 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Lakeesha Funches (claimant) appealed a representative's November 20, 2019, decision (reference 04) that concluded the claimant was not eligible to receive unemployment insurance benefits as of November 17, 2019. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was scheduled to be held on December 31, 2019. The claimant participated personally and through Bernadette Funches, her wife. The claimant offered and Exhibit A was received into evidence. The administrative law judge took official notice of the administrative record.

**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 was diagnosed with a medical condition. On November 21, 2019, her doctor released her to work with a ten-pound restriction. She was restricted to no lifting, pulling, or reaching with weight over ten pounds. The claimant can work as a receptionist or in customer service.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes the claimant is able and available to work as of November 24, 2019.

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.

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). 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 with restrictions by her physician. She is considered to be available for work because her physician stated she was able and available for work as of November 21, 2019. Benefits are allowed as of November 24, 2019, provided claimant is otherwise eligible.

**DECISION:**

The representative's November 20, 2019 decision (reference 04) is modified in favor of the appellant. Benefits are allowed as of November 24, 2019, provided claimant is otherwise eligible.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/scn