

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHEILA R BENDER
Claimant

APPEAL NO. 06A-UI-09918-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

AL'S CORNER OIL COMPANY
Employer

**OC: 08/27/06 R: 01
Claimant: Appellant (2)**

Section 96.5(1)d – Separation Due to Illness/Injury

STATEMENT OF THE CASE:

Sheila Bender filed an appeal from a representative's decision dated October 2, 2006, reference 02, which denied benefits based on her separation from Al's Corner Oil Company. After due notice was issued, a hearing was held by telephone on October 24, 2006. Ms. Bender participated personally. The employer did not respond to the notice of hearing.

ISSUE:

At issue in this matter is whether Ms. Bender was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Bender began working for Al's Corner Oil Company on March 14, 2006. She worked from 20 to 30 hours each week as a cashier. On March 24, she called to report that she would be absent because she was not feeling well. Ms. Bender was subsequently confined to the hospital on March 27, where she remained until April 7. The employer was properly notified of the need to be absent during this period.

On or about April 8, Ms. Bender provided the employer a statement from her doctor that she would be off work for an indefinite period of time. She kept in contact with the employer during the time she was away. She notified the employer that she could be away as long as two months. Ms. Bender was released to return to work on August 24 and re-offered her services to the employer. She did not have any restrictions or limitations when released. The employer did not have work available when she re-offered her services.

REASONING AND CONCLUSIONS OF LAW:

Ms. Bender left her employment on or about March 24, 2006 because of a medical condition and on the advice of her doctor. The employer was immediately made aware of the need to be absent. Ms. Bender was in contact with the employer periodically during her absence. When she was fully released to return to work, she re-offered her services but no work was available.

Under such circumstances, she is entitled to job insurance benefits pursuant to Iowa Code section 96.5(1)d.

DECISION:

The representative's decision dated October 2, 2006, reference 02, is hereby reversed. Ms. Bender was separated from employment for no disqualifying reason. Benefits are allowed, provided she satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw