

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROBERTA J GARRISON
Claimant

APPEAL NO. 07A-UI-05955-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

GARY D ROTH DDS
Employer

**OC: 05/20/07 R: 03
Claimant: Appellant (2)**

Section 96.4-3 - Able to and Available for Work

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated June 6, 2007, reference 02, that concluded she was not able to and available for work. A telephone hearing was held on July 2, 2007. The parties were properly notified about the hearing. The claimant participated in the hearing. Gary Roth participated in the hearing on behalf of the employer.

ISSUE:

Was the claimant able to and available for work?

FINDINGS OF FACT:

The claimant has been diagnosed as suffering from depression and bipolar disorder and has been treated for that condition by a medical doctor and mental health counselor. Her condition becomes unstable with stress and lack of sleep. She takes prescribed medication for her condition.

As of May 20, 2007, the claimant was able to perform full time work and was actively looking for work. She is not under any medical restrictions as to the work she can perform.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is able to work, available for work, and earnestly and actively seeking work as required by the unemployment insurance law in Iowa Code section 96.4-3. The unemployment insurance decision was based on a letter from the claimant's doctor that stated that she was "recommended to seek disability based on mental illness on her recent exam for a cat bite on 05/23/07." The claimant testified credibly that the letter was inaccurate and that she had not seen the doctor in May 2007 for a cat bite and had never been advised to seek disability.

The evidence establishes the claimant suffers from chronic depression, for which she takes medication, but she remains able and available to work and she is actively looking for another job.

DECISION:

The unemployment insurance decision dated June 6, 2007, reference 02, is reversed. The claimant is able and available for work. She remains disqualified, however, based on her voluntarily quit of her employment without good cause attributable to the employer

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs