

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JASON LAMPE
Claimant

RYDER INTEGRATED LOGISTICS INC
Employer

APPEAL 21A-UI-22407-ED-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 08/22/21
Claimant: Appellant (1R)

Iowa Code § 96.4(3) – Able and Available
Iowa Admin. Code R. 871-24.23(10) – Leave of Absence

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the September 28, 2021 (reference 01) unemployment insurance decision that found claimant was ineligible for unemployment benefits because he was not able to perform work and on an approved leave of absence. The parties were properly notified of the hearing. A telephone hearing was held on November 30, 2021. The claimant, Jason Lampe, participated personally. The employer, Ryder Integrated Logistics Inc, did not participate. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits record including the fact finding documents. Claimant's Exhibits were received and admitted into the record.

ISSUE:

Is the claimant able to work and available for work?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The facts in this matter are undisputed. Claimant was employed full-time for this employer from March 22, 2021 until August 23, 2021. He is no longer employed with this employer. Claimant was working full-time for this employer as a forklift operator. Claimant's immediate supervisor was Katie Harris.

Claimant was placed on a leave of absence on August 22 or August 23, 2021 due to a non-work related illness. Claimant was not released back to work at the end of his leave of absence. Claimant requested an extension of his leave of absence, however, an extension was not agreed to by the employer. Claimant separated from his employer before he received a full release from his doctor.

There has not been an initial investigation and determination with regard to the claimant's separation from employment by the Benefits Bureau of Iowa Workforce Development.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is not able to and available for work effective August 22, 2021.

Iowa Code § 96.4(3) provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. 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 § 96.19, subsection 38, paragraph "b", subparagraph 1, or temporarily unemployed as defined in § 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of § 96.5, subsection 3 are waived if the individual is not disqualified for benefits under § 96.5, subsection 1, paragraph "h".

To be able to work, "[a]n individual must be physically and mentally able to work in some gainful employment, not necessarily in the individual's customary occupation, but which is engaged in by others as a means of livelihood." *Sierra v. Employment Appeal Board*, 508 N.W.2d 719, 721 (Iowa 1993); *Geiken v. Lutheran Home for the Aged*, 468 N.W.2d 223 (Iowa 1991); Iowa Admin. Code r. 871-24.22(1). "An evaluation of an individual's ability to work for the purposes of determining that individual's eligibility for unemployment benefits must necessarily take into consideration the economic and legal forces at work in the general labor market in which the individual resides." *Sierra* at 723. The court in *Gilmore v. Empl. Appeal Bd.*, 695 N.W.2d 44 (Iowa Ct. App. 2004) noted that "[i]nsofar as the Employment Security Law is not designed to provide health and disability insurance, only those employees who experience illness-induced separations that can fairly be attributed to the employer are properly eligible for unemployment benefits." *White v. Emp't Appeal Bd.*, 487 N.W.2d 342, 345 (Iowa 1992) (citing *Butts v. Iowa Dep't of Job Serv.*, 328 N.W.2d 515, 517 (Iowa 1983)).

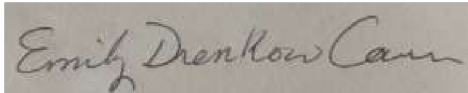
Because the medical condition was not work-related and the treating physician has not released the claimant to return to work, she has not established his ability to work.

DECISION:

The September 28, 2021 (reference 01) unemployment insurance decision is affirmed. The claimant is not able to and available for work. Benefits are denied.

REMAND:

The separation issue delineated in the findings of fact is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.



Emily Drenkow Carr
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

January 4, 2022
Decision Dated and Mailed

ed/kmj