

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

KRISTA A RENCHIN
5771 SE CIRCLE DR
AVON LAKE IA 50047

CHOPS BARBEQUE LLC
1701 SE DELAWARE AVE
ANKENY IA 50021

Appeal Number: 04A-UI-11585-DW
OC: 10/03/04 R: 02
Claimant: Appellant (4)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal are based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.4-3 – Ability to and Availability for Work

STATEMENT OF THE CASE:

Krista A. Renchin (claimant) appealed a representative's October 18, 2004 decision (reference 03) that concluded she was not eligible to receive unemployment insurance benefits as of October 10, 2004, because she was hospitalized and was not able to or available for work. After hearing notices were mailed to the parties' last-known addresses of record, an in-person hearing was held on December 7, 2004. The claimant participated in the hearing with Kim Renchin, her mother, and Julie Jorgenson, a co-worker. Brett Gligour, the owner, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is the claimant able to and available for work as of October 10, 2004?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of October 3, 2004. The claimant was hospitalized from October 12 through 16, 2004. When the claimant was released from the hospital, she was not restricted from working. The claimant filed a claim for the week ending October 16, 2004.

REASONING AND CONCLUSIONS OF LAW:

Each week a claimant files a claim for benefits, she must be able to and available for work. Iowa Code §96.4-3. When the claimant was hospitalized, she was not able to or available for work during the majority of the week ending October 16, 2004. 871 IAC 24.23(2). The claimant is not eligible to receive benefits for the week of October 10 through 16, 2004. The claimant is, however, eligible to receive benefits for the week ending October 9 and as of October 17, 2004, provided she meets all other eligibility requirements.

DECISION:

The representative's October 18, 2004 decision (reference 03) is modified in the claimant's favor. The claimant is not eligible to receive unemployment insurance benefits during the week she was hospitalized, October 10 through 16, 2004. The claimant is, however, eligible to receive benefits for other weeks she has filed a claim for benefits, provided she has met all other eligibility requirements.

dlw/smc