

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ANDREA K WILLIAMS**  
Claimant

**APPEAL NO: 12A-UI-14822-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 10/21/12  
Claimant: Appellant (1)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Andrea Williams (claimant) appealed a representative's December 6, 2012 decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits because she was unable to work. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on January 28, 2013. The claimant did participate.

**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 gave birth on November 14, 2012. She felt that she could return to work immediately after the birth. She asked her physician for a release to return to work on November 29, 2012, and the physician released her to return to work without restrictions as of November 29, 2012.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes the claimant is not able and available for work for the three-week period ending December 1, 2012.

871 IAC 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.

When a person has a medical condition and is unable to perform work due to that condition, she is considered to be unavailable for work. The claimant was released to return to work without restrictions by her physician on November 29, 2012. The claimant is disqualified from receiving unemployment insurance benefits for three-week period ending December 1, 2012.

**DECISION:**

The representative's December 6, 2012 decision (reference 01) is affirmed. The claimant was disqualified from receiving unemployment insurance benefits because she was not available for work for three-week period ending December 1, 2012.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/pjs