

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

FRANCESCA D WILCOX
Claimant

APPEAL NO. 13A-UI-10772-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CARMELITE SISTERS FOR THE AGED
Employer

OC: 03/17/13
Claimant: Appellant (1)

Section 96.4-3 - Able to and Available for Work

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated September 12, 2013, reference 02, that concluded she was not able to and available for work. A telephone hearing was held on October 15, 2013. The parties were properly notified about the hearing. The claimant participated in the hearing. Laura Williams 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 worked for the employer as a dietary aide since June 2011. She filed for unemployment insurance benefits for the weeks between August 4 and August 17, 2013, because she had injured her hand while off work on August 4 and could not work.

The claimant's doctor had taken her off work for the two weeks in question. The claimant had reported to work and asked if she could work but was told to go home until she had recovered from her injury. If the claimant had worked during the weeks in question, it would have been against her doctor's recommendation. She was released by her doctor and returned to work on August 19.

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 § 96.4-3. Unemployment benefits are not payable to persons who are not able to work.

871 IAC 24.23(35) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(35) Where the claimant is not able to work and is under the care of a medical practitioner and has not been released as being able to work.

The claimant was taken off work by her doctor and was not released during the time she filed for benefits. She was not eligible for benefits.

DECISION:

The unemployment insurance decision dated September 12, 2013, reference 02, is affirmed. The claimant was ineligible for unemployment insurance benefits during the two weeks she filed for benefits in August 2013.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs