

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEBORAH J ALLEN
Claimant

APPEAL NO: 14A-UI-04934-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

DALL-HAUS INC

OC: 03/30/14
Claimant: Appellant (4)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Deborah Allen (claimant) appealed a representative's April 24, 2014, decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits because she was unable to work with Dall-Haus (employer) due to injury. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for June 2, 2014. The claimant participated personally. The employer participated by Michael Belay, Area Manager. The claimant offered and Exhibit A was received into evidence.

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 worked for the employer from February 20, 2005, to January 26, 2014. Until December 2013, she was a full-time manager at Culver's. She was diagnosed with a bone spur on her heel. Her medical restrictions required her to reduce her hours to part time. On January 27, 2014, the claimant had surgery. Her physician released her to return to work with restrictions on June 9, 2014. The employer has agreed to return her to work with those restrictions.

The claimant filed for unemployment insurance benefits with an effective date of March 30, 2014.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes the claimant was not able to work from March 30 through June 7, 2014.

Iowa Admin. Code r. 871-24.23(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 an employee is unable to perform work due to a medical condition, she is considered to be unavailable for work. The claimant was not released to return to work until June 9, 2014. She is considered to be unavailable for work until the beginning of that benefit week, June 8, 2014. The claimant is disqualified from receiving unemployment insurance benefits from March 30 through June 7, 2014, due to her inability to work.

DECISION:

The representative's April 24, 2014, decision (reference 01) is modified in favor of the appellant. The claimant is disqualified from receiving unemployment insurance benefits from March 30 through June 7, 2014, due to her inability to work. The claimant is eligible to receive unemployment insurance benefits starting with the benefit week ending June 14, 2014, so long as she meets all other requirements.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css