

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TAMEIKA M ANDERSON
Claimant

APPEAL NO. 15A-UI-02007-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

TYSON FRESH MEATS INC
Employer

OC: 01/25/15
Claimant: Appellant (4)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Tameika Anderson (claimant) appealed a representative's February 11, 2015 (reference 04) decision that concluded she was not eligible to receive unemployment insurance benefits because she was unable to work with Tyson Fresh Meats (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for March 13, 2015. The claimant participated personally. The employer did not provide a telephone number where it could be reached and therefore, did not participate in the hearing.

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 June 2014 through January 28, 2014 as a full-time final trim worker. She filed for unemployment insurance benefits with an effective date of January 25, 2015. The claimant had surgery on February 5, 2015 and was unable to work from February 5 through 19, 2015. Her physician released her to light-duty work from February 20, 2015 to the present. She hopes to be released to full-duty work in the near future.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes the claimant is not disqualified from receiving unemployment insurance benefits as of the week ending February 28, 2015.

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 ill and unable to perform work due to that illness, she is considered to be unavailable for work. The claimant was released to return to work with restrictions by her physician on February 20, 2015. She is considered to be available for work because her physician stated she was able and available for work. The claimant is not disqualified from receiving unemployment insurance benefits as of the week ending February 28, 2015.

DECISION:

The representative's February 11, 2015 (reference 04) decision is modified in favor of the appellant. The claimant is not disqualified from receiving unemployment insurance benefits as of the week ending February 28, 2015.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/can