

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHELE M PASUT
Claimant

APPEAL NO: 18A-UI-07693-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

MONROE CARE CENTER INC
Employer

OC: 06/17/18
Claimant: Appellant (1)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the July 10, 2018, reference 02, decision that found the claimant was not able and available for work and denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on August 7, 2018. The claimant participated in the hearing. Payton Stephen, Administrator and Shawna Thomas, Director of Nursing, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant is able and available for work.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant voluntarily left her employment with Monroe Care Center, Inc. on the advice of a licensed and treating physician who stated the claimant could no longer work in any capacity due to stress, depression and several other medical conditions. The claimant has not presented a release to return to any work at this time.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant is not able to work and available for work

Iowa Code § 96.4(3) provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph (1), or temporarily unemployed as

defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

The claimant's physician stated the claimant is no longer to work in any capacity and the claimant testified she still cannot work at this time. Accordingly, she is not considered able and available for work. Benefits are denied.

DECISION:

The July 10, 2018, reference 02, decision is affirmed. The claimant is not able to work and available for work effective June 17, 2018. Benefits are denied.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn