

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

KIKI ROGERS
Claimant

APPEAL NO. 15A-UI-07684-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

UNITED PARCEL SERVICE
Employer

OC: 05/31/15
Claimant: Appellant (1)

Iowa Code § 96.4(3) – Able and Available
871 IAC 24.22(2)f – Part-Time Worker – Able and Available

STATEMENT OF THE CASE:

Kiki Rogers (claimant) appealed a representative's June 25, 2015, decision (reference 03) that concluded she was not eligible to receive unemployment insurance benefits because she is still employed in her job for the same hours and wages as she was hired by United Parcel Service (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 3, 2015. The claimant participated. The employer participated by Ryan Dreifurst, Hub Manager. The claimant offered and Exhibit A was received into evidence.

ISSUE:

The issue is whether the claimant is disqualified for being unavailable 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 was hired in May 2009, as a part-time loader/unloader. She took disability leave on July 3, 2015. On June 23 and July 14, 2015, her physician stated she is unable to return to work. She has an appointment to return to her doctor on August 4, 2015. The employer and claimant consider her to be still employed with the employer. The claimant plans to return to work with the employer when she is able.

REASONING AND CONCLUSIONS OF LAW:

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 has medical issues and is unable to perform work due to those issues, she is considered to be unavailable for work. The claimant is on a disability leave and her doctor indicates she is not able to work. She is considered to be unavailable for work. The claimant is disqualified from receiving unemployment insurance benefits due to inability to work.

DECISION:

The representative's June 25, 2015, decision (reference 03) is affirmed. The claimant is disqualified from receiving unemployment insurance benefits because she was not able to work for this employer.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css