

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ROBERT L HALFPOP
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 19A-UI-06797-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 07/28/19
Claimant: Appellant (1)

Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Admin. Code r. 871-24.22(2) – Able & Available - Benefits Eligibility Conditions

STATEMENT OF THE CASE:

The claimant/appellant, Robert L. Halfpop, filed an appeal from the August 14, 2019 (reference 04) Iowa Workforce Development (“IWD”) unemployment insurance decision which denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on September 19, 2019. The claimant participated personally. Debra Halfpop, wife of the claimant, also testified.

The administrative law judge held the record open until close of business on September 23, 2019 to allow the claimant to submit additional documentation which would support he was able and available for work. The claimant did not provide additional documentation within the extended timeframe.

The administrative law judge took official notice of the administrative records including the fact-finding documents. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is the claimant able to work and available for work effective July 28, 2019?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant most recently worked full-time as a truck driver. He had a heart attack on July 28, 2019. He was hospitalized until August 14, 2019. He last visited his doctor on August 20, 2019. The claimant stated he is physically unable to complete the DOT physical to return to truck driving. He has not provided IWD with a doctor’s release reflecting he has been released to return to work, with or without restriction.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is not able to and available for work effective July 28, 2019.

For an individual to be eligible to receive benefits, he must be able to work, available for work, and actively seeking work as required by the unemployment insurance law. Iowa Code § 96.4(3). The claimant has the burden to show he is able to work, available for work, and earnestly and actively seeking work.

Iowa Admin. Code r. 871-24.22(1)a provides:

Benefits eligibility conditions. For an individual to be eligible to receive benefits the department must find that the individual is able to work, available for work, and earnestly and actively seeking work. The individual bears the burden of establishing that the individual is able to work, available for work, and earnestly and actively seeking work.

(1) Able to work. An individual must be physically and mentally able to work in some gainful employment, not necessarily in the individual's customary occupation, but which is engaged in by others as a means of livelihood.

a. Illness, injury or pregnancy. Each case is decided upon an individual basis, recognizing that various work opportunities present different physical requirements. A statement from a medical practitioner is considered prima facie evidence of the physical ability of the individual to perform the work required. A pregnant individual must meet the same criteria for determining ableness as do all other individuals.

Iowa Admin. Code r. 871-24.23(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.

In this case, the evidence fails to establish the claimant is able to and available for work as defined by the unemployment insurance law. In this case, claimant is under the care of a medical practitioner and has not established he has been released as able to work, with or without restrictions. Therefore, claimant is ineligible for unemployment insurance benefits.

DECISION:

The August 14, 2019, (reference 04) unemployment insurance decision is affirmed. Benefits are denied until such time as the claimant obtains a medical release to return to some type of work of which he is capable of performing given any medical restrictions. If the circumstances change and the claimant believes the disqualification can be removed, he should contact Iowa Workforce Development.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/scn