

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

MICHAEL D BOUYER  
1624 - 7<sup>TH</sup> ST  
DES MOINES IA 50314

KELLY SERVICES INC  
999 W BIG BEAVER RD  
TROY MI 48084-4716

Appeal Number: 06A-UI-05634-SWT  
OC: 04/23/06 R: 02  
Claimant: Appellant (4)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.4-3 - Able to and Available for Work

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated May 23, 2006, reference 02, that concluded the claimant was unable to work effective May 7, 2006. A telephone hearing was held on June 15, 2006. The parties were properly notified about the hearing. The claimant participated in the hearing. Stephanie Webber participated in the hearing on behalf of the employer.

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of April 23, 2006. On May 8, 2006, the claimant was stabbed with a knife in the back and was hospitalized. This doctor stated in a statement dated May 15, 2006, that the claimant was not able to work until May 29, 2006. There is no medical evidence in the record that contradicts that statement.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is able to work and available for work as required by the unemployment insurance law in Iowa Code section 96.4-3. The claimant's treating physician prepared a written statement that he was unable to work until May 29, 2006, as a result of his injury. There is no contrary medical evidence in the record. The preponderance of the evidence establishes the claimant was unable to work from May 8 to 28, 2006, but was able to work starting May 29, 2006.

DECISION:

The unemployment insurance decision dated May 23, 2006, reference 02, is modified in favor of the claimant. The claimant was ineligible for benefits for the weeks between May 7 and May 26, but qualified to receive unemployment insurance benefits after the week ending May 26, 2006.

saw/kkf