

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KEVIN V JONES
Claimant

APPEAL NO. 10A-UI-02562-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TYSON PREPARED FOODS INC
Employer

OC: 01/03/10
Claimant: Appellant (1)

Section 96.4-3 – Eligibility for Benefits

STATEMENT OF THE CASE:

Kevin V. Jones filed a timely appeal from an unemployment insurance decision dated February 11, 2010, reference 03, that denied benefits to him. After due notice was issued, a telephone hearing was held April 2, 2010. Human Resources Manager Ron Wood participated for the employer, Tyson Prepared Foods, Inc. Although Mr. Jones provided a telephone number at which he could be contacted, the number was answered by voice mail when called at the time of the hearing. The administrative law judge left a toll free number for the Appeals Bureau with instructions for the claimant to call immediately if he wished to participate. There was no further contact from the claimant.

ISSUE:

Is the claimant eligible to receive unemployment insurance benefits?

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Kevin V. Jones has been an employee of Tyson Prepared Foods, Inc. since June 11, 2009. He suffered an injury not related to his work on October 13, 2009. His doctor stated that he could not work until January 8, 2010. He has worked full time since that date.

Mr. Jones filed a claim for unemployment insurance benefits during the week of January 3, 2010.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes that the claimant is eligible to receive unemployment insurance benefits. It does not. During the week that Mr. Jones filed his claim for unemployment insurance benefits he was not medically able to work until Friday. Since he was unable to work during the majority of the work week, benefits must be withheld for that

week. He is not eligible to receive unemployment insurance benefits thereafter because he has been fully employed.

DECISION:

The unemployment insurance decision dated February 11, 2010, reference 03, is affirmed. The claimant is not entitled to receive unemployment insurance benefits.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs