

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MOHINDER SINGH

Claimant

APPEAL NO. 08A-UI-00916-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

JACOBSON INDUSTRIAL SERVICES

Employer

**OC: 12/16/07 R: 02
Claimant: Appellant (2)**

Section 96.4-3 – Ability to Work

STATEMENT OF THE CASE:

Mohinder Singh (claimant) appealed a representative's January 28, 2008 decision (reference 03) that concluded he was not eligible to receive unemployment insurance benefits as of December 16, 2007, because he had been injured and was not able to work for Jacobson Industrial Services (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on February 12, 2008. The claimant participated in the hearing. Elizabeth Jorme, the account manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, 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 as of December 16, 2007?

FINDINGS OF FACT:

The claimant was working at a job assignment but was released from the job assignment after he called in three days because he had injured his back. The claimant's assignment ended on December 12, 2007.

After the claimant fell down some stairs and injured his back, he did not seek any medical treatment. He just took Ibuprofen and applied heat to his back to reduce the swelling. The claimant did not seriously hurt his back. The claimant was able to return to work by December 16, 2007.

REASONING AND CONCLUSIONS OF LAW:

Each week a claimant files a claim for benefits, he must be able to and available for work. Iowa Code § 96.4-3. The evidence indicates the claimant may not have been able to work the week of December 9 because he had injured his back, but he was available when he established his claim the week of December 16, 2008. Since the claimant's back injury was not serious and the claimant was able to work as of December 16, 2007, he is eligible to receive benefits as of December 16, 2007, provided he meets all other eligibility requirements.

DECISION:

The representative's January 28, 2008 decision (reference 03) is reversed. The claimant had recovered from his back injury as of December 16, 2007. Therefore, he was able to work as of December 16, 2007, and is eligible to receive benefits as of this date.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css