

**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**

**JUSTIN B HASKINS
2090 FRENCHTOWN
WARSAW IL 62341**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 04A-UI-03431-AT
OC: 01-04-04 R: 03
Claimant: Appellant (2)**

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, 4th 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.4-3 – Eligibility for Benefits

STATEMENT OF THE CASE:

Justin B. Haskins filed an appeal from an unemployment insurance decision dated February 27, 2004, reference 04, which appeared to impose an open-ended denial of benefits effective February 1, 2004. After due notice was issued, a telephone hearing was held April 9, 2004 with Mr. Haskins participating. The administrative law judge takes official notice of Agency benefit payment records.

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: Justin B. Haskins was ill for the major portion of the workweek beginning February 1, 2004. He recovered and

has been conducting a work search since then. If hired he would be able to work. Despite the wording of the decision, the Agency withheld benefits from Mr. Haskins only for the week ending February 7, 2004.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Mr. Haskins is eligible for unemployment insurance benefits after February 7, 2004. By his own admission, he was ill and unable to work during the week ending February 7, 2004. The evidence in the record establishes both that Mr. Haskins was able and available for work as of February 8, 2004 and that the Agency has considered him eligible for benefits since then.

DECISION:

The unemployment insurance decision dated February 27, 2004, reference 04, is modified. The claimant is ineligible for unemployment insurance benefits for the week ending February 7, 2004. He is entitled to receive unemployment insurance benefits thereafter, provided he is otherwise eligible.

tjc/b