

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**WILLIAM B CARPENTER**  
Claimant

**APPEAL NO: 09A-UI-14716-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MANPOWER TEMPORARY SERVICES**  
Employer

**OC: 06/14/09**  
**Claimant: Appellant (5R)**

Section 96.4-3 – Able to and Available for Work

**STATEMENT OF THE CASE:**

William B. Carpenter (claimant) appealed a representative's September 25, 2009 decision (reference 05) that concluded he was not eligible to receive benefits as of August 9, 2009, because he did not have transportation to work. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on October 28, 2009. The claimant did not respond to the hearing notice or participate in the hearing. Matt Dorsett, the branch manager, appeared on the employer's behalf. Based on the evidence, the arguments of the employer, 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 and available for work as of August 9, 2009?

**FINDINGS OF FACT:**

The claimant registered to work for the employer's clients. The claimant worked as an assembly line worker. The claimant started working for the employer in November 2008. The claimant's first job assignment ended before the claimant completed it because of on-going attendance issues. The claimant was working at a second job assignment in early August.

On August 3, the claimant notified the employer he was unable to work because he was ill and was going to see a doctor. The employer asked the claimant to provide a copy of a doctor's note. The claimant did not provide the requested note.

On August 12, the claimant did not call or report to work. When the employer called the claimant that day, the claimant indicated he had just gotten out a hospital and had been in a coma the night before. Again, the claimant indicated he would provide a doctor's note to the employer, but did not. When the claimant failed to provide the requested doctor's note within a few days, the employer ended his assignment.

The claimant reopened his claim for benefits during the week of August 9, 2009. The claimant has filed for and received benefits since August 9, 2009.

**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. Since the claimant informed the employer he been hospitalized on August 12, the evidence does not establish that the claimant is able to or available to work after being released from the hospital. To establish his ability to work and availability for work, the claimant must provide a doctor's statement indicating what if any work restrictions he has and when he was able to and available for work. Until the claimant provides the doctor's statement, he is not eligible to receive benefits as of August 9 because it is not known if he is able to work.

Since the claimant filed for and received benefits after August 9, an issue of overpayment is remanded to the Claims Section to determine.

(The separation issue has been addressed in another representative's decision.)

**DECISION:**

The representative's September 25, 2009 decision (reference 05) is modified, but the modification has no legal consequence. Instead of the claimant's availability being questioned on transportation issues, the claimant is found ineligible to receive benefits as of August 9 because he was hospitalized on August 12 and it is not known if his physician released him to return to work or what, if any, work restrictions he has. To establish his availability for work, the claimant must provide a doctor's statement to his local Workforce office which indicates when he was released to work after his hospitalization that week and what if any work restrictions he has. Since the claimant has received benefits since August 9, an issue of overpayment is remanded to the Claims Section to determine.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css