

**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**

**WALTER J PARRISH  
405 VICA LN  
FORT MADISON IA 52627**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**Appeal Number: 06A-UI-00447-CT  
OC: 12/11/05 R: 04  
Claimant: Appellant (3)**

**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 and Available  
Section 96.3(7) – Recovery of Overpayments

**STATEMENT OF THE CASE:**

Walter Parrish filed an appeal from a representative's decision dated January 6, 2006, reference 02, which denied benefits effective January 1, 2006, on a finding that he was not able to work. After due notice was issued, a hearing was held by telephone on January 31, 2006. Mr. Parrish participated personally.

**FINDINGS OF FACT:**

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Parrish sustained a work-related injury to his

knee on December 4, 2005. He has been unable to work since December 8 due to pain and the effects of his medication. He is currently receiving workers' compensation benefits.

Mr. Parrish has received a total of \$648.00 in job insurance benefits since filing his claim effective December 11, 2005.

#### REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Parrish is entitled to benefits on his claim filed effective December 11, 2005. In order to receive job insurance benefits, an individual must be able to work and available for work. Iowa Code section 96.4(3). According to his own testimony, Mr. Parrish has been unable to work since December 8, 2005. His inability to work is due to the fact that he is in pain a lot and has side effects from medication. Because he has been unable to work since filing his claim for benefits, he does not satisfy the availability requirements of the law. Accordingly, benefits are denied.

Mr. Parrish has received benefits since filing his claim. Based on the decision herein, the benefits received now constitute an overpayment and must be repaid. Iowa Code section 96.3(7).

#### DECISION:

The representative's decision dated January 6, 2006, reference 02, is hereby modified. Mr. Parrish has not satisfied the availability requirements of the law at any point since filing his claim. Benefits are denied as of December 11, 2005 and until such time as Mr. Parrish provides proof to his local office that he is able to work, provided he satisfies all other conditions of eligibility.

cfc/pjs