

**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**

**RUTH A FOLSOM  
1122 BUNDY ST  
DES MOINES IA 50315**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**Appeal Number: 04A-UI-03523-AT  
OC: 12-14-03 R: 02  
Claimant: Appellant (1)**

**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 – Eligibility for Benefits

STATEMENT OF THE CASE:

Ruth A. Folsom filed an appeal from an unemployment insurance decision dated February 20, 2004 reference 04 which denied benefits for the week ending February 7, 2004 upon a finding that she was medically unable to work. After due notice was issued, a telephone hearing was held April 19, 2004 with Ms. Folsom participating. This matter is considered on the consolidated record with 04A-UI-03524, 03525, 03527, 03528, 04036, and 04037-AT. The administrative law judge takes official notice of agency benefit payment records.

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: Ruth A. Folsom was unable to work during the week ending February 7, 2004 because of a back injury.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Ms. Folsom is eligible for benefits for the week ending February 7, 2004. She is not.

Iowa Code Section 96.4-3 provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

An individual who is unable to work due to an injury does not meet the eligibility requirement of being able to work. Benefits must be withheld.

DECISION:

The unemployment insurance decision dated February 20, 2004 reference 04 is affirmed. The claimant is ineligible for unemployment insurance benefits for the week ending February 7, 2004.

sb/b