

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

JOHN S CHAMBERS
2425 PROSPECT RD
DES MOINES IA 50310

IOWA STATE ASSOC OF COUNTIES
C/O TALX UCM SERVICES INC
PO BOX 283
ST LOUIS MO 63166-0283

Appeal Number: 04A-UI-11127-SWT
OC: 09/05/04 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, 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 - Able to and Available for Work

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated October 5, 2004, reference 02, that concluded he was not able to and available for work. A telephone hearing was held on November 9, 2004. The parties were properly notified about the hearing. The claimant participated in the hearing. No one participated in the hearing on behalf of the employer.

FINDINGS OF FACT:

The claimant's treating physician prepared a statement dated September 30, 2004, stating that the claimant was not able to perform his occupation from "April 3, 2004, to the present." Since September 30, 2004, the claimant has not been released to return to work by his doctor.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is able to work, available for work, and earnestly and actively seeking work as defined by the unemployment insurance law in Iowa Code section 96.4-3.

The unemployment insurance rules provide that an individual who submits a medical report from a physician stating that the individual is not presently able to work is deemed unavailable for work. 871 IAC 24.23(6). In this case, the claimant's doctor has stated that he is presently unable to work. The claimant, therefore, is ineligible to receive benefits effective September 5, 2004, and continuing until he reapplies for benefits and demonstrates that he is again able to and available for work.

DECISION:

The unemployment insurance decision dated October 5, 2004, reference 02, is affirmed. The claimant, therefore, is ineligible to receive benefits effective September 5, 2004, and continuing until he reapplies for benefits and demonstrates that he is again able to and available for work.

saw/tjc