

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAYME L LILES

Claimant

APPEAL NO. 10A-UI-10486-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 07/18/10

Claimant: Appellant (1)

Section 96.4-3 – Medically Able to Work

STATEMENT OF THE CASE:

Jayme L. Liles filed a timely appeal from an unemployment insurance decision dated July 23, 2010, reference 01, that denied benefits to him upon a finding that he was ill and unable to work as of July 18, 2010. Due notice was issued for a telephone hearing to be held August 30, 2010. Mr. Liles did not provide a phone number at which he could be contacted.

ISSUE:

Has the claimant established the eligibility element of being able to work?

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: The decision from which Jayme L. Liles has appealed states that benefits are denied because Mr. Liles is ill and unable to work. Mr. Liles' appeal letter states that his doctor has released him to return to work. A copy of that release was not included with the appeal.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the claimant meets the eligibility requirement of being able to work. He does 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".

The claimant has stated in his appeal letter that he has been released to work. The unsworn statement in the appeal letter has not been corroborated by a copy of the doctor's release or by sworn testimony. The denial must remain in place until the claimant provides the agency with a copy of a written release from his physician.

DECISION:

The unemployment insurance decision dated July 23, 2010, reference 01, is affirmed. The claimant is ineligible to receive unemployment insurance benefits effective July 18, 2010 until he meets the eligibility requirement of being medically able to work.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs