

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MICHELLE PHELPS**

Claimant

**APPEAL NO. 12A-UI-04886-A**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CEDAR RAPIDS**

**COMMUNITY SCHOOL DISTRICT**

Employer

**OC: 03/25/12**

**Claimant: Appellant (1)**

Section 96.4-3 – Eligibility for Benefits

**STATEMENT OF THE CASE:**

Michelle Phelps filed a timely appeal from an unemployment insurance decision dated April 19, 2012, reference 01, that denied unemployment insurance benefits to her upon a finding that she was unable to work. After due notice was issued, a hearing was held in Cedar Rapids, Iowa, on May 18, 2012. Ms. Phelps did not respond when paged at the time of the hearing and again prior to the closing of the record. Valerie Terpstra and Sue Wilber participated for the employer, Cedar Rapids Community School District.

**ISSUE:**

Is the claimant eligible to receive unemployment insurance benefits?

**FINDINGS OF FACT:**

Michelle Phelps was hired by Cedar Rapids Community School District on March 16, 2009. She is still an employee of the district but has not worked since March 8, 2012. The district has received three separate letters from Ms. Phelps' physician indicating that Ms. Phelps is unable to work because of a medical condition. The most recent letter states that Ms. Phelps should be excused from work through June 1, 2012.

**REASONING AND CONCLUSIONS OF LAW:**

The question is whether the claimant is eligible to receive unemployment insurance benefits. 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 must be medically able to work each week that he or she receives unemployment insurance benefits. The evidence in this record establishes that Ms. Phelps has been unable to work since she filed her claim during the week of March 25, 2012. Benefits must be withheld.

If Ms. Phelps' physician releases her to return to work, Ms. Phelps should provide appropriate documentation to the employer and to the Agency.

**DECISION:**

The unemployment insurance decision dated April 19, 2012, reference 01, is affirmed. The claimant is not eligible to receive unemployment insurance benefits at this time.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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