

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KELLY K BRINKMAN
Claimant

APPEAL NO: 15A-UI-02179-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 06/22/14
Claimant: Appellant (1)

Iowa Code § 96.4(3) – Able to and Available for Work

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's February 13, 2015 (reference 03) determination that held her ineligible to receive benefits for the week ending January 24 because she was unable to work this week. The claimant participated at the March 24 hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge concludes the claimant is not eligible to receive benefits for the week ending January 24, 2015.

ISSUE:

Is the claimant able to and available for work during the week ending January 24, 2015?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of June 22, 2014. The claimant had been off work for medical reasons, but worked on January 12 through 14, 2015; so she could bid on a job that was not as strenuous as the job she had, which was pulling steel. The claimant went off work again on January 15 because she had a flare up and was in pain.

The claimant planned to return to work on January 23 but the employer terminated her employment on January 21, 2015. The claimant filed a weekly claim for the week ending January 24, 2015.

REASONING AND CONCLUSIONS OF LAW:

Each week a claimant files a claim for benefits, she must be able to and available for work. Iowa Code § 96.4(3). Even though the claimant worked on January 12 through 14, 2015; she was again off work for medical reasons as of January 15, 2015. She did not plan to return to work until January 23, 2015. As a result, the evidence establishes she was unable to work the majority of the week ending January 24, 2015. The claimant is not eligible to receive benefits for the week ending January 24, 2015.

DECISION:

The representative's February 13, 2015 (reference 03) determination is affirmed. The claimant was not able to work the majority of the week ending January 24, 2015. Therefore, she is not eligible to receive benefits for the week ending January 24, 2015. This decision does not address the claimant's eligibility after January 24, 2015.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/can