

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RONALD W LANE
Claimant

APPEAL NO: 11A-UI-03505-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 01/02/11
Claimant: Appellant (4)**

Iowa Code § 96.4(3) – Ability to and Availability for Work

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's March 11, 2011 determination (reference 03) that held him ineligible to receive benefits for the weeks ending January 29 and February 5, 2011, because he was hospitalized and unable to work. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge concludes the claimant is eligible to receive benefits for the week ending January 29, 2011, but not eligible the week ending February 5, 2011.

ISSUE:

Is the claimant able to and available for work the weeks ending January 29 and February 5, 2011?

FINDINGS OF FACT:

The claimant established a claim for benefits the week of January 2, 2011. He filed claims for the weeks ending January 29 and February 5, 2011. The claimant was hospitalized January 27 through February 7, 2011.

REASONING AND CONCLUSIONS OF LAW:

Each week a claimant files a claim for benefits, he must be able to and available for work. Iowa Code § 96.4(3). Even though the claimant was admitted to the hospital on January 27, he was not hospitalized the majority of the week of January 23. Therefore, he is eligible to receive benefits for the week ending January 29, 2011. The claimant is not eligible to receive benefits the week ending February 5, 2011, because he was hospitalized this week.

DECISION:

The representative's March 11, 2011 determination (reference 03) is modified in the claimant's favor. The claimant established he was able to and available for work the week ending January 29, 2011. He is eligible to receive benefits for this week. The claimant is not eligible to receive benefits for the week ending February 5, 2011, because he was in the hospital this week.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs