

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

IRENE E HAUT
Claimant

APPEAL NO. 07A-UI-07800-C

**ADMINISTRATIVE LAW JUDGE
DECISION**

CHRISTIAN RETIREMENT HOMES INC
Employer

**OC: 07/23/06 R: 04
Claimant: Appellant (1)**

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

Irene Haut filed an appeal from a representative's decision dated August 8, 2007, reference 03, which denied benefits for the one week ending July 14, 2007 on a finding that she was not able to work. After due notice was issued, a hearing was held on October 29, 2007 in Davenport, Iowa. Ms. Haut participated personally and offered additional testimony from Paul Haut. The employer participated by Kathy Walker, Human Resources Director, and Cinda Matter, Housekeeping Director.

ISSUE:

At issue in this matter is whether Ms. Haut was able to work during the week ending July 14, 2007.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Haut was employed by Christian Retirement Homes, Inc. from January 4 through July 9, 2007. She was off work beginning April 30 due to medical reasons. On July 11, she was released to return to work effective July 16.

Ms. Haut filed an additional claim for job insurance benefits effective July 8, 2007. She claimed job insurance benefits for the week ending July 14 but was not paid benefits because of a voluntary quit issue.

REASONING AND CONCLUSIONS OF LAW:

In order to receive job insurance benefits, an individual must be able to and available for work. Iowa Code section 96.4(3). Ms. Haut filed an additional claim for job insurance benefits effective July 8 but had not been released by her doctor to return to work. Her release was effective July 16. Therefore, she was not entitled to benefits for the week ending July 14. See 871 IAC 24.23(1), (6).

DECISION:

The representative's decision dated August 8, 2007, reference 03, is hereby affirmed. Ms. Haut is not eligible to receive job insurance benefits for the one week ending July 14, 2007 because she had not been released by her doctor to return to work.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css