

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JEAN A DRILLING

Claimant

APPEAL NO. 10A-UI-14111-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 09/12/10

Claimant: Appellant (4)

Section 96.4-3 – Eligibility for Benefits

STATEMENT OF THE CASE:

Jean A. Drilling filed a timely appeal from an unemployment insurance decision dated October 12, 2010, reference 02, that denied benefits to her beginning September 12, 2010, upon a finding that she was medically unable to work. After due notice was issued, a telephone hearing was held November 20, 2010, with Ms. Drilling participating. Exhibit A was admitted into evidence on her behalf.

ISSUE:

Is the claimant medically able to work?

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Jean A. Drilling was under the care of her physician when she filed a claim for unemployment insurance benefits during the week of September 12, 2010. Her physician released her to return to work on Tuesday, September 21, 2010. She was not able to return to work prior to that date.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the claimant is eligible to receive unemployment insurance benefits. For the reasons that follow, the administrative law judge concludes that she is eligible to receive benefits beginning September 19, 2010.

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 law requires that for each week that an individual requests unemployment insurance benefits, the individual must be medically able to work. The decision on appeal imposed an open-ended denial of benefits upon a finding that Ms. Drilling was not medically able to work. Her testimony and documentary evidence establish that she was medically able to work for the majority of the workweek beginning September 19, 2010. However, the evidence also establishes that she had not been released to return to work during the week of September 12, 2010.

DECISION:

The unemployment insurance decision dated October 12, 2010, reference 02, is modified. The claimant is ineligible for unemployment insurance benefits for the week of September 12, through September 18, 2010. She is entitled to receive unemployment insurance benefits beginning September 19, 2010, provided she is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw