

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANGOA D AYUL
Claimant

APPEAL NO. 10A-EUCU-01170-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 04/25/10
Claimant: Appellant (4)

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

The claimant, Angoa Ayul, filed an appeal from a decision dated November 23, 2010, reference 03. The decision found her ineligible from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on January 24, 2011. The claimant participated on her own behalf.

ISSUE:

The issue is whether the claimant is able and available for work.

FINDINGS OF FACT:

The claimant was pregnant and delivered her baby on November 1, 2010. She was released to return to work by her doctor effective December 1, 2010. A second decision has been issued by Iowa Workforce Development on December 2, 2010, allowing the resumption of benefits.

REASONING AND CONCLUSIONS OF LAW:

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 claimant was not eligible for benefits from November 1 through 30, 2010, because she was under a doctor's care after the birth of her child. She has been released to return to work effective December 1, 2010.

DECISION:

The representative's decision of November 23, 2010, reference 03, is modified in favor of the appellant. Angoa Ayul is not eligible for benefits from November 1 through 30, 2010. She is eligible effective December 1, 2010.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css