

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SANDY CURRAN**  
Claimant

**APPEAL NO. 07A-UI-01553-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CASCADE DIE MOLD INC**  
Employer

**OC: 12/24/06 R: 04  
Claimant: Respondent (1)**

Section 96.4(3) – Able and Available

**STATEMENT OF THE CASE:**

Cascade Die Mold, Inc. filed an appeal from a representative's decision dated February 2, 2007, reference 02, which held that Sandy Curran was able to work as of January 28, 2007. After due notice was issued, a hearing was held by telephone on February 28, 2007. Ms. Curran participated personally. The employer participated by Jolene Kramer, Human Resources Manager.

**ISSUE:**

At issue in this matter is whether Ms. Curran satisfied the availability requirements of the law as of January 28, 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. Curran has been employed by Cascade Die Mold, Inc. since December 9, 1999. She filed a claim for job insurance benefits effective December 24, 2006 because the employer was on shut-down during the Christmas holiday. Ms. Curran was paid for three days of holiday pay, which she reported on her claim for the week ending December 30, 2006.

Ms. Curran underwent surgery to her elbow on December 28, 2006 and was off work for four weeks. She was released by her doctor and returned to work on January 28, 2007. She filed an additional claim for job insurance benefits effective February 18, 2007 due to a voluntary, one-week layoff. Ms. Curran did not claim benefits between December 30, 2006 and February 18, 2007.

**REASONING AND CONCLUSIONS OF LAW:**

Ms. Curran filed a claim for benefits effective December 24, 2006 due to a plant shut-down. Although she underwent surgery on Thursday, December 28, she was able to work the three days before she had surgery. Because she was able to work for the major portion of the workweek, no disqualification is imposed for the week ending December 30, 2006. See

871 IAC 24.22(2)h. Moreover, individuals on a temporary layoff are exempt from the availability requirements of Iowa Code section 96.4(3). Ms. Curran did not claim benefits again until she filed her additional claim effective February 18, 2007. Since she did not claim benefits between December 30 and February 18, there is no decision for the administrative law judge to make regarding her availability during this period. Ms. Curran would have been available to work the week of February 18, if the employer not had a layoff.

**DECISION:**

The representative's decision dated February 2, 2007, reference 03, is hereby affirmed. Ms. Curran was able to and available for work effective January 28, 2007. Benefits are allowed, provided she satisfies all other conditions of eligibility.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/css