

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TRISHA L ROCKWELL
Claimant

APPEAL NO: 12A-UI-04769-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

BICKFORD SENIOR LIVING GROUP LLC
Employer

OC: 03/18/12
Claimant: Appellant (2)

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

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's April 16, 2012 determination, reference 01, that held her ineligible to receive benefits because she was unable to or unavailable for work. The claimant participated in the hearing. Ellen Dixon, a human resource representative, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge finds the claimant eligible to receive benefits as of March 18, 2012.

ISSUE:

Is the claimant able to and available for work with the work restrictions she received from her physician?

FINDINGS OF FACT:

The claimant started working for the employer in March 2009. She works part time, 24 hours a week, as a certified medication aide (CMA). The claimant gives residents at the employer's assisted living facility their medication. Although the claimant's job descriptions indicate she must be able to occasionally lift 50 to 100 pounds, the claimant has not lifted more than 25 pounds in the three years she has worked for the employer. In the past three years, the claimant's job has not required her to lift any resident.

The claimant is pregnant and her expected delivery date is May 28, 2012. On March 21, the claimant gave the employer her doctor's statement. Even though the claimant was healthy and did not have any problems, since she was in her last trimester her doctor's practice is to give these work restrictions to expecting mothers. The claimant's physician restricted the claimant from pulling, pushing or lifting anything over 25 pounds.

The employer placed the claimant on a leave of absence for liability purposes. The employer did not want anything to happen to the claimant or her unborn child at work. The claimant did not ask for a leave of absence. She wanted to work until her baby was born or until her doctor restricted her from working.

The claimant established a claim for benefits during the week of March 18, 2012. She is not required to look for work because she plans to return to work for the employer after her child is born. As of May 14, the claimant has filed claims for the weeks ending March 25 through May 12, 2012.

REASONING AND CONCLUSIONS OF LAW:

Each week a claimant files a claim for benefits, she must be able to and available for work. Iowa Code § 96.4(3). The employer established compelling business reasons for putting the claimant on a leave of absence. The work restriction the claimant's physician gave her did not prevent her from performing her job as a CMA. Even though the claimant's job description required her to be able to occasionally lift 50 or 100 pounds, in the three years the claimant has worked for the employer she has not been required to lift anything over 25 pounds. The claimant established that she was able to perform her part-time job and was available for work. Therefore, as of March 18, 2012, the claimant is eligible to receive benefits.

DECISION:

The representative's April 16, 2012 determination (reference 01) is reversed. The claimant established that even with her work restrictions, she was able to and available for work. Therefore, as of March 18, 2012, the claimant is eligible to receive benefits.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css