

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TRACI L RAUS
Claimant

APPEAL NO. 08A-UI-05411-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 05/14/08 R: 01
Claimant: Appellant (2)**

Section 96.4-3 - Able to and Available for Work

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated June 18, 2008, reference 02, that concluded she was not able to work. A telephone hearing was held on July 7, 2008. The claimant participated in the hearing.

ISSUE:

Was the claimant able to and available for work?

FINDINGS OF FACT:

The claimant applied for unemployment insurance benefits after her job as a cashier ended. The claimant is pregnant and her delivery date is September 2, 2008. Her doctor has restricted her to lifting no more than 20 pounds and standing for no more than five hours. The claimant is able to perform her former job as a cashier and other jobs available in the labor market that do not require heavy lifting or prolonged standing.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is able to work, available for work, and earnestly and actively seeking work as required by the unemployment insurance law in Iowa Code § 96.4-3.

The unemployment insurance rules provide that a person must be physically able to work, not necessarily in the individual's customary occupation, but in some reasonably suitable, comparable, gainful, full-time endeavor that is generally available in the labor market. 871 IAC 24.22(1)b. The evidence establishes that the claimant was able to perform gainful work, just not work that requires heavy lifting or prolonged standing. There is work available in the labor market meeting such restrictions that the claimant is qualified to perform, and the claimant has been actively looking for such work in compliance with the requirements of the law.

DECISION:

The unemployment insurance decision dated June 18, 2008, reference 02, is reversed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/kjw