

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LIUBOV V CHTEHERBAKOVA
Claimant

APPEAL NO: 06A-UI-08672-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

NORTHERN ENGRAVING CORPORTION
Employer

**OC: 04/02/06 R: 04
Claimant: Appellant (4)**

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Liubov Chteherbakova (claimant) appealed a representative's August 23, 2006 decision (reference 02) that concluded she was not eligible to receive unemployment insurance benefits after July 23, 2006, because she was voluntarily unemployed with Northern Engraving Corporation (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 28, 2006. The claimant participated personally through Olga Sparks, Interpreter. The employer participated by Patricia Burroughs, Personnel Clerk.

ISSUE:

The issue is whether the claimant is available for work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant was hired on March 28, 2004, as a full-time screening helper. The claimant had to supply the employer with employment authorization before she could work. The claimant's attorney helped her apply for the authorization but put the claimant's old address on the forms. The employment authorization was mailed to the wrong address. The claimant's previous employment authorization expired on July 14, 2006. She took vacation for the week ending July 22, 2006. The claimant requested and was granted a leave of absence for the week ending July 29, 2006, in order to wait for the authorization to arrive in the mail. The claimant received her employment authorization in the mail on July 31, 2006. She returned to work immediately and currently continues to work for the employer.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes the claimant was not available for work for the two-week period ending July 29, 2006.

871 IAC 24.23(7) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(7) Where an individual devotes time and effort to becoming self-employed.

When an employee requests and is granted time off, she is considered to be unavailable for work. The claimant requested a vacation and a leave of absence due to the absence of the employment authorization. The employer granted her request. The request was initiated by the claimant. She is considered to be unavailable for work for the two-week period ending July 29, 2006. The claimant is disqualified from receiving unemployment insurance benefits for the two-week period ending July 29, 2006, due to her unavailability for work.

DECISION:

The representative's August 23, 2006 decision (reference 02) is modified in favor of the appellant. The claimant is disqualified from receiving unemployment insurance benefits for the two-week period ending July 29, 2006, because she was not available for work with the employer.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/kjw