

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CALLISTA K HILL
Claimant

APPEAL NO. 07A-UI-06775-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

NURSEFINDERS OF DES MOINES
Employer

**OC: 12/31/06 R: 02
Claimant: Appellant (1)**

Section 96.4-3 – Ability to and Availability for Work

STATEMENT OF THE CASE:

Callista K. Hill (claimant) appealed a representative's June 28, 2007 decision (reference 07) that concluded she was ineligible to receive unemployment insurance benefits as of March 12, 2007, because she was unable to work as a result of her pregnancy. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 2, 2007. The claimant participated in the hearing. Cary Morehouse, the branch manager, appeared on behalf of Nursefinders of Des Moines (employer). Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is the claimant able to and available for work during the week ending March 17, 2007?

FINDINGS OF FACT:

The claimant had been working for the employer as a CNA since January 17, 2006. When the claimant worked prior to March 11, 2007, she worked all shifts, but primarily second shift. The claimant had been off work as a result of work restrictions in December 2006, but in March the claimant did not have any work restrictions.

On March 12, the employer contacted the claimant to see if she would work a day or evening shift at a location that was 75 minutes from the claimant's home. The employer offered the claimant work for March 14 through 29. The claimant declined work at this facility because she did not want to drive that far. The claimant had previously worked at the facility, but she did that before she was pregnant.

On March 12, the employer also offered the claimant a job at another location for a 2:00 p.m. to 10:00 p.m. shift on March 16. The claimant declined this job telling the employer she was too tired and too pregnant to work. On March 14, the employer offered the claimant work at Oakwood for 2:00 p.m. to 10:00 p.m., 4:00 p.m. to 10:00 p.m. or a 6:00 p.m. to 10:00 p.m. shifts. The claimant could have worked on March 16, 17 and 18. The claimant declined this work

because she was too pregnant and only wanted to work nights when there was not that much work to do.

The claimant filed a claim for benefits for the week ending March 17, 2007.

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. As a result of the claimant's pregnancy, the claimant restricted her availability for work. The evidence establishes the claimant was not available for work the majority of the week ending March 17, 2007. As a result, she is not eligible to receive benefits for this week.

DECISION:

The representative's June 28, 2007 decision (reference 07) is affirmed. The claimant is not available for work the majority of the week ending March 17, 2007. Therefore, she is not eligible to receive benefits for this week.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css