

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**JAMIE L RIGGS**  
Claimant

**APPEAL NO: 19A-UI-10146-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**EXPRESS SERVICES INC**  
Employer

**OC: 11/10/19  
Claimant: Appellant (2)**

Section 96.4-3 – Able and Available for Work

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the December 12, 2019, reference 02, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on January 17, 2020. The claimant participated in the hearing. The employer did not respond to the hearing notice and did not participate in the hearing.

**ISSUE:**

The issue is whether the claimant is able and available for work.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant is employed as a full-time shipping and receiving clerk for Express Services assigned to GSI beginning September 2, 2019 and continuing to date. The claimant is pregnant and is restricted from lifting more than 30 pounds but is not required to lift 30 pounds in this assignment. The claimant's hours were reduced because it is the slow time for the employer and as a result she filed for unemployment benefits. She continues to work in her job and her baby is not due until June 2020.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant is able and available for work.

Iowa Code section 96.4(3) provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially

unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph (1), or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

While the claimant is pregnant and has a 30 pound lifting restriction, her current position does not require her to lift 30 pounds. The job is seasonal in nature and it is the slow time for the business where she is assigned. Consequently, her hours were cut and the claimant filed for unemployment. The claimant has no relevant medical restrictions or other limitations on her employability effective November 10, 2019. Accordingly, benefits are allowed.

**DECISION:**

The December 12, 2019, reference 02, decision is reversed. The claimant is able and available for work. Benefits are allowed, provided the claimant is otherwise eligible.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/scn