

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

APRIL M PRUGH
1752 ROBIN RD
WATERLOO IA 50701

CEDAR FALLS LODGING LLC
ONE CARLSON PKWY N #220
PLYMOUTH MN 44557-4464

Appeal Number: 06A-UI-04540-DWT
OC: 08/14/05 R: 03
Claimant: Appellant (2)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.4-3 – Ability to and Availability for Work

STATEMENT OF THE CASE:

April M. Prugh (claimant) appealed a representative's April 24, 2006 decision (reference 06) that concluded she was not eligible to receive benefits February 26 through April 29, 2006, because the claimant was not able to work various days. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 11, 2006. The claimant participated in the hearing. Julie Haler, the general manager for Cedar Falls Lodging (employer), appeared on the employer's behalf. 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 eligible able to and available for work from February 26 through April 29, 2006.

FINDINGS OF FACT:

During the week of February 26, 2006, the claimant started working part time, 20 to 25 hours a week, for the employer as a housekeeper. Patterson supervised the claimant.

The claimant called in sick on March 7, 10 and 15. The claimant worked all scheduled hours the week of March 19, 2006. The claimant notified the employer she was unable to work as scheduled on March 29, 2006. The claimant had the flu on March 7 and on March 29, the claimant had a doctor's appointment for some tests. The other days the claimant was unable to work, she provided the employer's with a doctor's excuse.

The employer talked to the claimant about her repeated absences during the week of March 19. The employer ended the claimant's employment on March 29 when the claimant was again unable to work as scheduled. The claimant does not have any work restrictions connected with her pregnancy. The claimant's anticipated delivery is in September.

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. Even though there were days the claimant notified the employer she was ill and unable to work, the facts establish the claimant was able to work the majority of the week for each week she filed a claim for benefits. The claimant is eligible to receive benefits for the weeks ending March 4 through April 29, 2006.

DECISION:

The representative's April 24, 2006 decision (reference 06) is reversed. The claimant is able to and available to work during the weeks ending March 4 through April 29, 2006, and she is eligible to receive benefits for these weeks.

dlw/pjs