

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**GAIL E KANTARIS**  
Claimant

**APPEAL NO. 07A-UI-09461-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**COMPREHENSIVE SYSTEMS INC**  
Employer

**OC: 07/08/07 R: 02  
Claimant: Appellant (4)**

Section 96.4(3) – Able and Available

**STATEMENT OF THE CASE:**

The claimant, Gail Kantaris, filed an appeal from a decision dated October 1, 2007, reference 01. The decision found the claimant was not able and available for work and ineligible to receive unemployment benefits. After due notice was issued a hearing was held by telephone conference call on October 23, 2007. The claimant participated on her own behalf. The employer, Comprehensive Systems, participated by Director of Personnel Sheryl Pringle.

**ISSUE:**

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

**FINDINGS OF FACT:**

Gail Kantaris began employment with Comprehensive Systems in 1988 as a part-time licensed practical nurse. She was changed to full time status in 1992 and continued in that capacity until July 1, 2007. On that date she was notified by Manager Melissa Bowman she would be put back to part-time status.

Ms. Kantaris filed a claim for unemployment benefits with an effective date of July 8, 2007, and filed claims through the week ending August 11, 2007. She is currently on FMLA for personal medical reasons and did not work past Monday, August 6, 2007. Ms. Kantaris expects to be released to return to work by her doctor some time in mid-November 2007.

**REASONING AND CONCLUSIONS OF LAW:**

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".

The claimant was able and available to work full time but the employer changed her status to part time on its own decision. She is therefore considered able and available for work from July 1 through August 4, 2007. Because she was not medically able to work past August 6, 2007, she cannot be considered able and available for work past that time until she is released to return to work by her doctor.

**DECISION:**

The representative's decision of October 1, 2007, reference 01, is modified in favor of the appellants. Gail Kantaris is able and available for work from July 9 through August 4, 2007. She is not eligible after that time as she is on medical leave until released by her doctor.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/pjs