

**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**

**TAJAH M THEROITH
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**Appeal Number: 05A-UI-02927-LT
OC: 02-20-05 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)

Iowa Code §96.4(3) - Able and Available

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the March 17, 2005, reference 03, decision that denied benefits. After due notice was issued, a hearing was held on April 7, 2005. Claimant did participate. Employer did participate through Terry Moffit.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed through February 13, 2005 when she was discharged. She has a full time

student at UNI while working for employer and will graduate on May 7. She is required to complete a 12-week unpaid internship, which will end April 29, 2005. Claimant has been looking for evening and weekend work besides work in her field. She was also on a maternity leave and was ready to return to work on February 19, 2005.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant is able to work and available for work effective February 20, 2005.

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Since claimant was discharged due to management miscommunication prior to her release from maternity leave, she was not obligated to provide employer a release. Even though she is in a full-time internship during the day, she went to school full-time and worked for employer. Since she is searching for work in her field as well as nights and weekends, benefits are allowed.

DECISION:

The March 17, 2005, reference 03, decision is reversed. The claimant is able to work and available for work effective February 20, 2005. Benefits are allowed.

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