

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ARISHA L QUINN**  
Claimant

**APPEAL NO. 12A-UI-08322-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**PUTMAN INC**  
Employer

**OC: 05/27/12**  
**Claimant: Appellant (2)**

Section 96.4-3 – Able and Available for Work

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from a representative's decision dated July 2, 2012, reference 01, which denied unemployment insurance benefits effective May 27, 2012, finding the claimant did not meet the availability requirements of the law. After due notice was issued, a telephone hearing was held on August 6, 2012. The claimant participated. Although duly notified, the employer did not respond to the notice of hearing and did not participate.

**ISSUE:**

At issue is whether the claimant is able and available for work within the meaning of the Employment Security Law.

**FINDINGS OF FACT:**

Having considered the evidence in the record, the administrative law judge finds: Arisha Quinn began employment with Putman, Inc. in March 2011. Ms. Quinn was assigned to a variety of on-call positions, which included certified nursing assistant, home health aide, and home housekeeper. The claimant was paid by the hour. Her last day of employment was May 27, 2012. On that date, Ms. Quinn provided Putman, Inc. a lifting limitation of 20 pounds due to pregnancy. Although the claimant had been assigned to duties that did not require over 20 pounds of lifting, she was not assigned to any additional assignments by Putman, Inc., because she did not meet the minimum lifting requirement of 50 pounds. Ms. Quinn is eligible for additional employment when she is released by her physician.

Although the claimant has a 20-pound lifting restriction, Ms. Quinn routinely performs a variety of duties each day and the claimant testified under oath that Putman, Inc. had jobs that did not require over 20 pounds of lifting. It is the claimant's position that she is able and available for work, as she is able to perform jobs that are routinely performed in the geographic area where she resides and she is actively seeking employment.

**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 evidence in the record establishes that although Ms. Quinn has a 20-pound lifting limitation, she routinely performs numerous duties of the type that is generally performed in the general geographic area where she resides. The lifting limitation has not precluded the claimant from employment in the general workforce. Provided the claimant is actively and earnestly seeking employment, she is eligible for unemployment insurance benefits.

**DECISION:**

The representative's decision dated July 2, 2012, reference 01, is reversed. The claimant is able and available for work effective May 27, 2012, and is eligible to receive unemployment insurance benefits, provided she meets all other eligibility requirements of Iowa law.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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