

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

SHEILA M GALBRAITH
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IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 05A-UI-07447-SWT
OC: 08/01/04 R: 04
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 - Able to and Available for Work

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated July 14, 2005, reference 07, that concluded she was not able to work. A telephone hearing was held on August 4, 2005. The claimant participated in the hearing. Exhibit A was admitted into evidence at the hearing.

FINDINGS OF FACT:

The claimant is pregnant and her expected date of delivery is August 13, 2005. Since she reopened her claim for unemployment insurance benefits effective June 5, 2005, she has been able to work, available work, and actively seeking employment. She has not had any medical restrictions on her ability to work. Her doctor certified that she was able to work up to the date of her delivery and then would be off work for six weeks postpartum. Her doctor specifically stated that the claimant was not incapacitated due to her pregnancy.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is able to work, available for work, and earnestly and actively seeking work as required by the unemployment insurance law in Iowa Code Section 96.4-3. The evidence establishes that the claimant was and is able to work. After the claimant's baby is born, the claimant will be required to present proof that she is released to work before being eligible for benefits again.

DECISION:

The unemployment insurance decision dated July 14, 2005, reference 07, is reversed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

saw/kjw