

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

LORI L HAURUM  
308 - 4<sup>TH</sup> ST S  
FAIRBANK IA 50629

EXCEPTIONAL PERSONS INC  
PO BOX 4090  
WATERLOO IA 50704-4090

JILL JENSEN-WELCH  
ATTORNEY AT LAW  
1600 HUB TOWER  
699 WALNUT ST  
DES MOINES IA 50309

Appeal Number: 05A-UI-06783-SWT  
OC: 05/22/05 R: 04  
Claimant: Appellant (4)

**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, 4<sup>th</sup> 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 June 23, 2005, reference 01, that concluded she was unable to work effective May 22, 2005. Telephone hearings were held on July 25 and August 26, 2005. The parties were properly notified about the hearing. The claimant participated in the hearing with a witness, Aaron Haurum. Jill Jensen-Welch, attorney at law, participated in the hearing on behalf of the employer with witnesses, Angie Tye, Megan Henning, and Sandy Giordana. Exhibits One through Five and A and B were admitted into evidence at the hearing.

FINDINGS OF FACT:

The claimant worked full time for the employer as a supportive living staff member providing services to mentally-disabled group home clients. The claimant worked for the employer from January 2001 to September 24, 2004. She was on approved leave from September 24, 2004,

to November 11, 2004. She returned to work on November 11, 2004, and worked until February 17, 2005.

As of February 17, 2005, the claimant was off work due to a psychiatric disorder that prevented her from working. She was under the care of a psychiatrist who had provided the employer with a statement excusing the claimant from work. The psychiatrist provided a statement to the employer dated April 1, that the claimant's expected date of return to work would be April 12. On April 11, the claimant's psychiatrist provided a statement to the employer that the claimant was unable to work for an undetermined period of time.

After April 11, 2005, the claimant understood that she was on leave until she was able to return to work. On May 3, 2005, the claimant's supervisor completed two requests for personal leave forms on the claimant's behalf covering her work schedule from May 9 through May 16 and May 23 through May 30, 2005. The claimant understood that she was on approved leave until her next schedule day of work in June.

On May 18, 2005, the employer terminated the claimant's employment because she had exhausted all forms for approved leave available to her but had not returned to work. As of May 18, 2005, the claimant had not been released to return to work by her doctor and was still unable to work.

The claimant had an appointment with her psychiatrist on June 17, 2005. Her psychiatrist released the claimant to return to work on June 17, 2005, without restrictions.

#### 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 not able to work from May 22, 2005, to June 17, 2005. As of June 17, 2005, the claimant was able to and available for work. She would not be eligible for benefits for the week ending June 18, 2005, because she was not available for a majority of the week. She would be eligible for benefits effective the week of June 19, 2005.

#### DECISION:

The unemployment insurance decision dated June 24, 2005, reference 02, is modified in favor of the claimant. The claimant is not eligible for unemployment insurance benefits from May 22 to June 18, 2005. She is qualified to receive unemployment insurance benefits effective June 19, 2005, if she is otherwise eligible.

saw/kjw