

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DAWNLEE J COSNER
Claimant

APPEAL NO. 11A-UI-08258-M2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

CRYSTAL PROPERTIES
Employer

OC: 05/15/11
Claimant: Appellant (2-R)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated June 16, 2011, reference 01, which held claimant not able and available for work. After due notice, a telephone conference hearing was scheduled for and held on July 27, 2011. Claimant participated personally. Employer participated.

ISSUE:

The issue in this matter is whether claimant is able and available for work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds: The claimant is working and is able and available for work. She is, or was, not working due to restrictions from a non-work-related pregnancy.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-1 provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

The claimant is able and available for work and has been. The real question is should there be a period of disqualification due to Iowa Code section 96-5-1-d.

DECISION:

The decision of the representative dated June 16, 2011, reference 01, is reversed and remanded to Claims for a determination under Iowa Code section 96.5-1-d.

Stan McElderry
Administrative Law Judge

Decision Dated and Mailed

srm/kjw