

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

FEVEN H DESTA

Claimant

APPEAL NO: 17A-UI-12437-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC

Employer

OC: 10/29/17

Claimant: Appellant (1)

Section 96.4-3 – Able and Available for Work

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the November 27, 2017, reference 02, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on December 21, 2017. The claimant participated in the hearing with CTS Language Link interpreters Akberet and Berhanet. Melissa Lewien, Risk Management, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant is able and available for work.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was hired as a full-time warehouse, forklift and harvest worker for Advance Services Inc. last assigned to Pioneer from July 24 to October 12, 2017. The claimant's position at Pioneer required that she regularly lift up to 50 pounds and work up to 12 hours per day. The claimant is pregnant and her doctor restricted her to lifting 25 pounds and working eight hours per day. The employer could not accommodate the claimant's restrictions.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is not able and available for work.

The claimant has not been released to return to work without restriction. In order to be eligible for benefits, a claimant must be able and available for work. If a claimant suffers a non-work related illness or injury or is pregnant, and is placed under restrictions or other limitations by her treating physician, the employer is not obligated to accommodate those restrictions. (Emphasis added). If the claimant returns to work after receiving a full medical release from the treating physician and the employer has no suitable work available at that time, the claimant would generally be eligible for unemployment benefits. Because the claimant is still under restrictions, she is not considered able and available for work. Accordingly, benefits must be denied.

DECISION:

The November 27, 2017, reference 02, decision is affirmed. The claimant is not able to work and available for work. Consequently, benefits must be denied.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn