

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CALLISTA K HILL
Claimant

APPEAL NO. 07A-UI-06776-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

NURSEFINDERS OF DES MOINES
Employer

OC: 12/31/06 R: 02
Claimant: Appellant (1)

Section 96.4-3 – Ability to and Availability for Work

STATEMENT OF THE CASE:

Callista K. Hill (claimant) appealed a representative's June 28, 2007 decision (reference 08) that concluded she was ineligible to receive unemployment insurance benefits as of March 26, because she was unable to work as a result of her pregnancy. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 2, 2007. The claimant participated in the hearing. Cary Morehouse, the branch manager, appeared on behalf of Nursefinders of Des Moines (employer). Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is the claimant able to and available for work as of March 26, 2007?

FINDINGS OF FACT:

The claimant had been working as a CNA for the employer since January 17, 2006. When the claimant worked prior to March 11, 2007, she worked all shifts, but primarily second shift. The claimant had been off work as a result of work restrictions in December 2006, but in March the claimant did not have any work restrictions.

After the employer offered the claimant multiple shifts at various locations, which the claimant declined because she was too pregnant to work, the claimant requested a leave of absence on March 26, 2007.

The claimant filed claims for the weeks ending March 31 and April 7, 2007.

REASONING AND CONCLUSIONS OF LAW:

Each week a claimant files a claim for benefits, she must be able to and available for work. Iowa Code § 96.4-3. As a result of the claimant's pregnancy, the claimant restricted her availability for work. The evidence establishes the claimant was not available for work as of March 26, 2007. As a result, she is not eligible to receive benefits as of March 26, 2007.

DECISION:

The representative's June 28, 2007 decision (reference 08) is affirmed. The claimant is not available for work as of March 26, 2007, because she made herself unavailable for work when she requested a leave of absence. Therefore, she is not eligible to receive benefits as of March 26, 2007.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css