

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MELISSA K V HENDERSON**  
Claimant

**APPEAL NO. 06A-UCFE-00034-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**US POSTAL SERVICE**  
Employer

**OC: 10/08/06 R: 3**  
**Claimant: 10/08/06 (1-R)**

Section 96.4(3) – Able and Available

**STATEMENT OF THE CASE:**

The claimant, Melissa Henderson, filed an appeal from a decision dated November 17, 2006, reference 01. The decision found her ineligible from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on January 22, 2007. The claimant participated on her own behalf. The employer, United States Postal Service, participated by Plant Manager Zeke Bideaux.

**ISSUE:**

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

**FINDINGS OF FACT:**

Melissa Vavra was employed by United States Postal Service beginning in May 2005. She is a “casual employee” which means she may be appointed to two 90-day terms during any calendar year.

She was at the beginning of her second 90-day appointment when she brought in a doctor’s note on October 10, 2006. She was pregnant and limited to lifting no more than ten pounds. Her job description required her to lift up to 70 pounds, and the job she was doing at that time required her to lift 15 to 20 pounds about every 30 seconds. The employer had no work for her within those restrictions.

Ms. Vavra indicated during the hearing she had been released without restrictions by her doctor on January 16, 2007. The doctor's note had not been provided to the Appeals Section by the time the hearing was held. The claimant's supervisor, Rick Bulman, had told her she could return to work when the weight restriction had been lifted but she elected not to do so.

**REASONING AND CONCLUSIONS OF LAW:**

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The claimant has not provided evidence to the administrative law judge that she has been released to return to work as of the date of the hearing. If she should subsequently obtain such information she should take it to her local Workforce Center and request the availability disqualification be removed.

The issue of whether she voluntarily quit her job with United States Postal Service by electing not to return when she was released by her doctor may constitute a voluntary quit. This matter should be remanded to the Claims Section for determination.

**DECISION:**

The representative's decision of November 17, 2006, reference 01, is affirmed. Melissa Vavra has not provided evidence she has been released by her doctor to return to work without restrictions. Any documentation she has should be presented to her local Workforce Center with a request that the availability disqualification be removed.

The issue of whether she is disqualified as a result of her failure to return to her employer once she has been released is remanded to the Claims Section for determination.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

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