

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CALLISTA K HILL
Claimant

APPEAL NO. 07A-UI-06777-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 09) that concluded she was ineligible to receive unemployment insurance benefits as of March 20, 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 20, 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.

On March 14, the employer offered the claimant a job for a shift on March 18. The claimant declined to accept this shift because she indicated she was too pregnant and only wanted to work a night shift or third shift. On March 20, the employer offered the claimant work on March 21, 22 and 23. The shifts available were the first and second shifts. The claimant declined this work because she only wanted to work third shift.

The claimant filed a claim for the week ending March 24, 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 the week of March 18, 2007. As a result, she is not eligible to receive benefits for the week ending March 24, 2007.

DECISION:

The representative's June 28, 2007 decision (reference 09) is affirmed. The claimant is not available for work the week of March 18, 2007, because she restricted her availability for work. The claimant is not eligible to receive benefits for the week ending March 24, 2007.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css