

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**FLOR ZAMORA
333 E PORTER
DES MOINES IA 50315**

**CROWN CLEANERS
5018 E P TRUE PKWY
WEST DES MOINES IA 50265-2847**

**Appeal Number: 05A-UI-01569-CT
OC: 01/16/05 R: 02
Claimant: Respondent (1-R)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the ***Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.***

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

Crown Cleaners filed an appeal from a representative's decision dated February 8, 2005, reference 01, which held that Flor Zamora satisfied the availability requirements of the law effective January 24, 2005. After due notice was issued, a hearing was held by telephone on March 10, 2005. Ms. Zamora participated personally. The employer participated by Phil Pigneri, President. Rosie Paramo Ricoy participated as the interpreter.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Ms. Zamora was last employed by Crown Cleaners on

December 7, 2004 as a full-time assembly person. She was off work beginning December 8 because she had a baby on that date. On January 17, 2005, she presented the employer with a release to return to work. The release indicated Ms. Zamora was to avoid heavy lifting and prolonged standing. Because her job as an assembler required her to stand, she was not returned to work.

On February 7, 2005, Ms. Zamora's doctor released her to return to work without restrictions effective January 24, 2005. She did not return to the employer to re-offer her services after receiving a complete release. Iowa Workforce Development has not issued a decision concerning Ms. Zamora's separation from Crown Cleaners.

REASONING AND CONCLUSIONS OF LAW:

The only issue before the administrative law judge is whether Ms. Zamora is able to and available for work within the meaning of Iowa Code section 96.4(3). Although the doctor's note of January 17, 2005 imposed restrictions on her work activities, she has subsequently been given a complete release. Inasmuch as she has been released without restrictions as of January 24, 2005, the administrative law judge must conclude that she satisfied the availability requirements of the law as of that date.

Iowa Workforce Development has not adjudicated the matter of Ms. Zamora's separation from the employment, only the matter of whether she is able to work. Therefore, this matter shall be remanded to Claims for an initial determination regarding the separation.

DECISION:

The representative's decision dated February 8, 2005, reference 01, is hereby affirmed. Ms. Zamora satisfied the availability requirements of the law effective January 24, 2005. This matter is remanded to Claims for a determination regarding the separation from employment.

cfc/pjs