

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SCHARELL SHAVERS
Claimant

APPEAL NO: 15A-UI-05995-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEAM STAFFING SOLUTIONS INC
Employer

OC: 05/03/15
Claimant: Respondent (1)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

The employer filed a timely appeal from the May 20, 2015, reference 03, decision that allowed benefits to the claimant. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on July 6, 2015. The claimant did not respond to the hearing notice and did not participate in the hearing or request a postponement of the hearing as required by the hearing notice. Sarah Fiedler, Human Resources Generalist, 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 is pregnant and voluntarily quit her job with Team Staffing Solutions May 1, 2015, after her doctor imposed a number of restrictions on the claimant's employment that the employer was unable to accommodate. During the week of May 3, 2015, the claimant obtained documentation from her physician containing her restrictions and provided that to the Department.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant is able to work and available for work but has been disqualified from receiving benefits due to her separation from Team Staffing Solutions.

Iowa Code § 96.4-3 provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

In order to be able and available for work, a claimant must be able to perform some type of work, not necessarily the work she last performed. In this case, the claimant could do different types of work, such as many kinds of office work. Accordingly, the claimant is considered able and available for work. Benefits are allowed. However, the claimant has a disqualifying separation from Team Staffing Solutions. Consequently, she must earn ten times her weekly benefit amount before she would be eligible for benefits again.

DECISION:

The May 20, 2015, reference 03, decision is affirmed. The claimant is able to work and available for work effective May 3, 2015. Benefits are allowed, provided the claimant is otherwise eligible, which in this case she is not because she has a disqualifying separation from Team Staffing Solutions and must earn ten times her weekly benefit amount in order to requalify for unemployment insurance benefits.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/mak