

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MEGAN E BAILEY**  
Claimant

**APPEAL NO. 10A-UI-08196-MT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**RUTHVEN COMMUNITY CARE CENTER INC**  
Employer

**OC: 05/16/10**  
**Claimant: Respondent (1)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Employer filed an appeal from a decision of a representative dated June 4, 2010, reference 01, which held claimant able and available for work. After due notice, a telephone conference hearing was scheduled for and held on July 26, 2010. Claimant participated personally, was represented by Mike Houchins, Attorney at Law, and with witness Tammi Widener. Employer participated by Lisa Loring, Administrator, and Jane Miner, Director of Nursing. Exhibit One was admitted into evidence.

**ISSUE:**

The issue in this matter is whether claimant is able and available for work.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds: Claimant worked as an RN with a 30- to 40-hour schedule. Claimant went on PRN for a while due to family issues. Claimant returned to regular duty on April 7, 2010. Employer was not happy with claimant's work performance. Employer put claimant on a 90-day employment hold, which meant that claimant was out of work for 90 days to take some extra training. Claimant went off work May 19, 2010 and has been off work ever since. Claimant did not agree to take the extra classes and go off work for 90 days without pay. Claimant is able and available for work full-time at all times after May 16, 2010. Claimant is still an employee.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 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".

Benefits shall be allowed effective May 16, 2010. Claimant is able to work full time. Claimant would still work full-time if employer had not put a hold on her employment for 90 days. Claimant has demonstrated the ability to work 40 hours per week effective May 16, 2010.

**DECISION:**

The decision of the representative dated June 4 2010, reference 01, is affirmed. Claimant is eligible to receive unemployment insurance benefits, effective May 16, 2010, provided claimant meets all other eligibility requirements.

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Marlon Mormann  
Administrative Law Judge

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Decision Dated and Mailed

mdm/kjw