

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LYNN M VAN SLOTEN**

Claimant

**APPEAL NO. 09A-UI-18781-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ORANGE CITY AREA HEALTH SYSTEM**

Employer

**OC: 06-14-09**

**Claimant: Respondent (1)**

Iowa Code § 96.4(3) – Able and Available

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the December 7, 2009, reference 05, decision that allowed benefits. After due notice was issued, a hearing was held on January 27, 2010. The claimant did participate. The employer did participate through Sherry Baker, Director of Human Resources.

**ISSUE:**

Is the claimant able to and available for work?

**FINDINGS OF FACT:**

Having reviewed the testimony and all of the evidence in the record, the administrative law judge finds: Claimant was employed as a medical technician part time beginning February 12, 2008 through date of hearing as she remains employed.

The employer reduced the claimant's hours beginning in May 2009 due to lack of work. The claimant has been making herself available for all hours the employer can schedule her. On November 3, the claimant was not able to work because she had to teach a CPR class. She traded her hours with another employee. On November 9, the claimant called her department manager as soon as she got the message that she was needed to work on November 10. The claimant was willing to make daycare arrangements but her manager told her not to worry about covering the shift. On November 30 the claimant traded shifts with another employee at that employee's request. She actually ended up working more hours that week than if she had not helped out her coworker by trading shifts.

**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.

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".

The evidence establishes that the claimant has made herself able to and available for work for the majority of each week she had claimed benefits. The claimant is not unduly limiting her availability. Accordingly, benefits are allowed.

**DECISION:**

The December 7, 2009, reference 05, decision is affirmed. The claimant is able to work and available for work effective November 1, 2009. Benefits are allowed.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

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