

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SARAH L CLARK**  
Claimant

**APPEAL NO. 12A-UI-01219-VST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**A & N OF RIVER CITY INC**  
Employer

**OC: 12/11/11**  
**Claimant: Appellant (1)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

The claimant filed an appeal from a decision of a representative dated January 31, 2012, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on February 27, 2012. The employer participated by Mae Miles, Store Manager. The claimant failed to respond to the hearing notice and did not participate. The record consists of the testimony of Mae Miles. Official notice is taken of agency records.

**ISSUE:**

Whether the claimant is able and available for work.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony of the witness and having considered all of the evidence in the record, makes the following findings of fact:

The employer is a McDonald's restaurant located in Mason City, Iowa. The claimant was hired on January 1, 2011, as a part-time crew person. The claimant was only available for work on Saturday from 8:00 a.m. to 1:00 p.m. The restaurant is open seven days a week. The hours for Sunday through Thursday are 5:00 a.m. to 12:00 p.m. The restaurant is open 24 hours on Friday and Saturday. The claimant would only work a part-time shift on Saturday.

The claimant established an original claim for benefits with an original claim date of December 11, 2011. Her reasons for filing her claim are unknown. The claimant did not participate in the hearing.

**REASONING AND CONCLUSIONS OF LAW:**

871 IAC 24.23(16) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(16) Where availability for work is unduly limited because a claimant is not willing to work during the hours in which suitable work for the claimant is available.

The evidence in this case showed that the claimant established a claim for unemployment insurance benefits on December 11, 2011. She was still working for this employer at that time. The claimant limited her ability to work to Saturdays only from 8:00 a.m. to 1:00 p.m. The restaurant is open seven days a week. The claimant has so severely limited the number of hours she will work and the days she will work that she is unduly limited her availability for work. She is not able and available for work and benefits are denied.

**DECISION:**

The decision of the representative dated January 31, 2011, reference 01, is affirmed. The claimant is not able and available for work. Benefits are denied as of December 11, 2011.

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Vicki L. Seeck  
Administrative Law Judge

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Decision Dated and Mailed

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