

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JUDY F DORHOUT**  
Claimant

**APPEAL NO. 07A-UI-00739-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CAREAGE MANAGEMENT**  
Employer

**OC: 12/24/06 R: 01  
Claimant: Respondent (1)**

Section 96.4(3) – Able and Available

**STATEMENT OF THE CASE:**

Careage Management filed an appeal from a representative's decision dated January 11, 2007, reference 02, which held that Judy Dorhout satisfied the availability requirements of the law effective December 24, 2006. The decision also held that the employer would not be relieved of benefit charges. After due notice was issued, a hearing was held by telephone on February 6, 2007. Ms. Dorhout participated personally and offered additional testimony from Dave Dorhout. The employer participated by Dan Myers, President; Dee Hendricks, Director of Nursing; and Melody Wilkins, Administrator.

**ISSUE:**

At issue in this matter is whether Ms. Dorhout was available for work within the meaning of the law as of December 24, 2006.

**FINDINGS OF FACT:**

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Dorhout began working for Careage Management on August 2, 1999 as a full-time nursing assistant. Prior to filing her claim for job insurance benefits effective December 24, 2006, she had been working 28 hours each week. She filed a claim for benefits because she was working reduced hours due to low census at the facility where she worked.

Ms. Dorhout only claimed job insurance benefits for the week ending December 30, 2006. She only worked 16 hours that week instead of 28. She did not miss any time from scheduled work during the week. Ms. Dorhout stopped claiming benefits because her hours were increased.

**REASONING AND CONCLUSIONS OF LAW:**

Ms. Dorhout filed a claim for job insurance benefits because she was not working as many hours as she had previously worked. She only claimed one week, the week ending December 30, 2006. Ms. Dorhout was available to work more hours during the week but the employer did not have the hours for her. Because she continued to be available to work more

hours, the administrative law judge concludes that she was available for work within the meaning of Iowa Code section 96.4(3) during the week ending December 30, 2006. Since the hours were reduced at the employer's initiative, the employer is not entitled to a relief from charges for benefits paid to Ms. Dorhout for the week ending December 30.

The administrative law judge appreciates that Ms. Dorhout may not have worked her full schedule after December 30. However, she did not claim job insurance benefits during those subsequent weeks. Therefore, the administrative law judge need not determine if she was available for work after December 30. If Ms. Dorhout files an additional claim for benefits in the future, she will have to establish her availability for work at that time.

**DECISION:**

The representative's decision dated January 11, 2007, reference 02, is hereby affirmed. Ms. Dorhout satisfied the availability requirements of the law effective December 24, 2006. Benefits are allowed, provided she satisfies all other conditions of eligibility.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/kjw