

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TAMMY A HUNT**  
Claimant

**APPEAL NO. 09A-UI-16556-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BROADLAWNS MEDICAL CENTER**  
Employer

**OC: 09/277/09**  
**Claimant: Appellant (2)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Tammy Hunt (claimant) appealed a representative's October 29, 2009 decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits because she was not willing to work the normal hours of her occupation with Broadlawns Medical Center (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for December 16, 2009. The claimant was represented by John Pabst, Attorney at Law, and participated personally. The employer was represented by Rick Barrett, Attorney at Law, and participated by Mark Laughery, Director of Ancillary Services. Dawn Dickson, Team Leader, and Renee Drost, Radiographer, were available to give testimony at the hearing. The claimant offered and Exhibit A was received into evidence.

**ISSUE:**

The issue is whether the claimant was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on July 28, 2003, as a full-time radiographer. The employer has a radiographer on staff at all hours. The claimant filed for unemployment insurance benefits with an effective date of September 27, 2009. The claimant was able and available for work. Her physician has allowed her to work with restrictions.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow the administrative law judge concludes the claimant is able and available for work.

871 IAC 24.23(1) provides:

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

(1) An individual who is ill and presently not able to perform work due to illness.

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.

When an employee is ill and unable to perform work due to that illness, she is considered to be unavailable for work. The claimant was released to work with restrictions by her physician. She is considered to be available for work because her physician stated she was able and available for work.

When an employee is not willing to work during the hours in which suitable work is available, she is considered to be unavailable for work. The claimant is willing to work the hours she has always worked or a daytime shift. She is considered to be available for work. The claimant is not disqualified from receiving unemployment insurance benefits.

**DECISION:**

The representative's October 29, 2009 decision (reference 01) is reversed. The claimant is able and available for work. She is not disqualified from receiving unemployment insurance benefits.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/pjs