

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JACKIE SAYLOR**  
Claimant

**APPEAL NO: 11A-UI-09025-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CLARKE COUNTY PUBLIC HOSPITAL**  
Employer

**OC: 06-05-11**  
**Claimant: Respondent (1)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the June 29, 2011, reference 03, decision that allowed benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on August 4, 2011. The claimant participated in the hearing. Kate Emanuel, Human Resources Director and Vicky Pederson, Director of Patient Care Services, participated in the hearing on behalf of the employer. Employer's Exhibits One through Four were admitted into evidence.

**ISSUE:**

The issue is whether the claimant is able and available for work.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant has not received a full release to return to work but is able to perform general office work, such as filing, and teaching positions. Consequently, because she is able and available to perform some type of work, even if she cannot perform her previous job duties, she is considered able and available for work.

**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".

While the claimant has not received a full release to return to work, she is able and available to perform some type of work as defined by Iowa law. She is not required to be able to perform all functions of her previous job but must be able and available to perform some type of work. Accordingly, benefits are allowed provided the claimant is otherwise eligible, meaning she was not disqualified for voluntarily quitting her job with this employer.

**DECISION:**

The June 29, 2011, reference 03, decision is affirmed. The claimant is able to work and available for work effective June 5, 2011. Benefits are allowed, provided the claimant is otherwise eligible.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/pjs