

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AMY L AKIN
Claimant

APPEAL NO: 11A-UI-14051-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 08/28/11
Claimant: Appellant (2)

Iowa Code § 96.4(3) – Able to and Available for Work

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's October 18, 2011 determination (reference 03) that held her ineligible to receive benefits as of August 28, 2011, because she was not willing to work the hours she had been hired to work. The claimant participated in the hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge finds the claimant eligible to receive benefits as of August 28, 2011.

ISSUE:

Is the claimant available to work the hours she was hired to work?

FINDINGS OF FACT:

The claimant started working at Hy-Vee in November 2007. The employer hired her to work part time or about 20 hours a week. The claimant earns \$8.45 an hour. During her employment, she usually works 17 to 20 hours a week.

In late July and/or early August 2011, the claimant had been working 25 hours for two to three weeks. When she saw her physician for her regular three-month check up, he expressed concern that the extra five hours she had been working did not help her control her medical condition. The claimant's physician gave her a statement in August informing the employer she should not work more than 20 hours a week.

The claimant established her claim for benefits during the week of August 28 after she noticed her hours had been significantly reduced for the next weeks. The claimant worked all the hours the employer scheduled her to work. She was available to work 20 hours a week. The only day she had any restrictions was September 24. She asked for this day off because it was her daughter's birthday.

REASONING AND CONCLUSIONS OF LAW:

Each week a claimant files a claim for benefits, she must be able to and available for work. Iowa Code § 96.4(3). During her employment, the claimant worked an average of 20 hours or

less a week. Since her physician only restricted her to working no more than 20 hours a week, the claimant was able to and available for work the same number of hours she had always worked for the employer. The claimant established her eligibility to receive benefits as of August 28, 2011.

DECISION:

The representative's October 18, 2011 determination (reference 03) is reversed. The claimant established she is able to and available for work 20 hours a week. Since she was hired to work part time and usually worked no more than 20 hours a weeks prior to August 28, she established she is available to work the number of hours the employer had hired her to work. Therefore, as of August 28, 2011, the claimant is eligible to receive benefits, provided she meets all other eligibility requirements.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css