

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

VASHARA Y NEWTON-WEBER
Claimant

APPEAL NO. 11A-UI-10088-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 06/19/11
Claimant: Appellant (2)**

Section 96.4-3 – Eligibility for Benefits

STATEMENT OF THE CASE:

Vashara Y. Newton-Weber filed a timely appeal from an unemployment insurance decision dated July 25, 2011, reference 02, that denied benefits to her upon a finding that she was spending her time and efforts in becoming self-employed. After due notice was issued, a telephone hearing was held August 23, 2011 with Ms. Newton-Weber participating.

ISSUE:

Is the claimant available for work?

FINDINGS OF FACT:

Vashara Y. Newton-Weber was laid off from her last job. To help make ends meet, she is caring for children on a part-time and temporary basis. The parents of the children know that Ms. Newton-Weber intends to return to employment when it becomes available to her. Her mother is available to serve as a back up when Ms. Newton-Weber goes for interviews and could care for the children if Ms. Newton-Weber received an immediate offer of work.

REASONING AND CONCLUSIONS OF LAW:

The question here is whether the claimant is attempting to establish her own business or whether she is merely supplementing her income until she return to traditional employment. The evidence in this record persuades the administrative law judge that Ms. Newton-Weber is not attempting to establish a permanent business and that her current self-employment is designed to help her make ends meet on the short term. She meets the eligibility requirement established in Iowa Code section 96.4-3 of being available for work.

DECISION:

The unemployment insurance decision dated July 25, 2011, reference 02, is reversed. The claimant is entitled to receive unemployment insurance benefits, provided she is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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