

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

NAHLA E ELMAKKI
Claimant

APPEAL NO: 12A-UI-06035-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**CENTRAL IOWA HOSPITAL
CORPORATION**
Employer

OC: 04/29/12
Claimant: Appellant (1)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Nahla El Makki (claimant) appealed a representative's May 18, 2012 decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits because she was available to work with Central Iowa Hospital Corporation (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for June 13, 2012. The claimant participated personally. The employer did not provide a telephone number where it could be reached and therefore, did not participate in the hearing.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant worked part time for the employer from January 2010, to December 2011. From December 2011, until April 7, 2012, the claimant worked full-time hours for the employer. There was an incident at the claimant's child care provider on March 20, 2012. At that time the claimant decided to stay home and care for her children. She opened an in home day care center but she only cares for own two children. As of April 7, 2012, the claimant started working every other weekend for eight hours at the claimant's request. She still works for the employer in that same manner. The claimant applied for unemployment insurance benefits on April 29, 2012.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes the claimant is not available for work.

871 IAC 24.23(7) (8) provide:

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

(7) Where an individual devotes time and effort to becoming self-employed.

(8) Where availability for work is unduly limited because of not having made adequate arrangements for child care.

The change in hours was initiated by the claimant. She told the employer she wanted to reduce her hours from full-time to weekend work. When an employee is devoting time and effort to being self-employed or when she is spending working hours caring for children, she is considered to be unavailable for work. The claimant was devoting her time and efforts to starting a day care and caring for her own children. She is considered to be unavailable for work after April 7, 2012. The claimant is disqualified from receiving unemployment insurance benefits beginning April 7, 2012, due to her unavailability for work.

DECISION:

The representative's May 18, 2012 decision (reference 01) is affirmed. The claimant is disqualified from receiving unemployment insurance benefits because she is not available for work with the employer.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css