

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JESSICA J MCNAUGHTON**  
Claimant

**APPEAL NO: 17A-UI-02902-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BUILDING BLOCKS CHILDCARE &  
PRESCHOOL**  
Employer

**OC: 01/15/17**  
**Claimant: Respondent (1/R)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Building Blocks Childcare & Preschool (employer) appealed a representative's March 1, 2017, decision (reference 02) that concluded Jessica McNaughton (claimant) was eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for April 7, 2017. The claimant did not provide a telephone number for the hearing and, therefore, did not participate. The employer participated by Lisa Cooper, Director, and Stacy Eldridge, Director of Staff Training and Curriculum.

**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 for the employer from September 19, 2016, to January 15, 2017, as a full-time assistant teacher. The claimant quit work as of January 15, 2017. The employer is unaware of any reason the claimant would not be able or available to work after her separation from the employer's employment.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant was able and available for work as of January 15, 2017.

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".

There was no evidence that there were any restriction or limitation on employability. Benefits are allowed, provided the claimant is otherwise eligible.

The issue of the claimant's separation from employment is remanded for determination.

**DECISION:**

The representative's March 1, 2017, decision (reference 02) is affirmed. The claimant is able and available for work as of January 15, 2017. Benefits are allowed, provided the claimant is otherwise eligible. The issue of the claimant's separation from employment is remanded for determination.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/rvs