

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CHRIS J COOPER**  
Claimant

**APPEAL NO. 11A-UI-06845-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**LENNOX INDUSTRIES INC**  
Employer

**OC: 12/26/10**  
**Claimant: Appellant (1)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Chris Cooper (claimant) appealed a representative's May 11, 2011 decision (reference 04) that concluded he was not eligible to receive unemployment insurance benefits because he was devoting time and efforts to becoming self-employed limiting his availability to work with Lennox Industries (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for June 20, 2011. The claimant did not participate personally. The claimant's attorney, Kevin, O'Hare, participated on the claimant's behalf. The employer participated by Dick Tesar, human resources coordinator.

**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 having considered all of the evidence in the record, finds that: The claimant worked for the employer from June 28, 2009, to April 30, 2010. The claimant owns "Cooper Lawn Care and Landscaping" and is devoting time and efforts to being self-employed.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant was not available for work.

871 IAC 24.23(7) provides:

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.

When an employee is devoting time and effort to being self-employed, he is considered to be unavailable for work. The claimant was devoting his time and efforts to his business. He is considered to be unavailable for work. The claimant is disqualified from receiving unemployment insurance benefits, due to his unavailability for work.

**DECISION:**

The representative's May 11, 2011 decision (reference 04) is affirmed. The claimant is disqualified from receiving unemployment insurance benefits, because he is not available for work with the employer.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/kjw