

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CARLEE R JENSEN**  
Claimant

**APPEAL NO: 16A-UI-07567-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**COMMUNITY CHILDCARE CENTER INC**  
Employer

**OC: 06/19/16**  
**Claimant: Respondent (1/R)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Community Childcare Center (employer) appealed a representative's July 5, 2016, decision (reference 02) that concluded Carlee Jensen (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 July 28, 2016. The claimant participated personally. The employer participated by Colleen Bates, Director.

**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 was hired on September 1, 2015, as a full-time pre-school teacher working for the 2015-2016 school year. The employer is a nonprofit daycare. The claimant worked her last day on June 3, 2016. Prior to her last day of work the employer told the claimant she would be hired for the 2016-2017 school year. The claimant filed for unemployment insurance benefits with an effective date of June 19, 2016. The claimant has been able and available for work after June 19, 2016.

**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 June 19, 2016.

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. Accordingly, benefits are allowed.

The issue of whether the claimant is between successive terms with an educational institution is remanded for determination.

**DECISION:**

The representative's July 5, 2016, decision (reference 02) is affirmed. The claimant is able and available for work as of June 19, 2016. The issue of whether the claimant is between successive terms with an educational institution is remanded for determination.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/pjs