

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TERESA L ANDREWS
Claimant

APPEAL NO: 12A-UI-05001-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 02/26/12
Claimant: Appellant (1)**

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Teresa Andrews (claimant) appealed a representative's April 6, 2012 decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits because she was not available to work because she is self-employed. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on May 22, 2012. The claimant participated personally.

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 has a daycare in her home that started on April 2, 2012. She watches up to two or three grandchildren while her daughter is in a Promise Jobs program. The program will end on May 25, 2012, and the claimant will no longer have a daycare in her home.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes the claimant is not available for work from April 1, through May 26, 2012.

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, she is considered to be unavailable for work. The claimant was devoting her time and efforts to caring for children. She

is considered to be unavailable for work from April 1 through May 26, 2012. The claimant is disqualified from receiving unemployment insurance benefits from April 1 through May 26, 2012, due to her unavailability for work.

DECISION:

The representative's April 6, 2012 decision (reference 01) is affirmed. The claimant is disqualified from receiving unemployment insurance benefits from April 1 through May 26, 2012, because she was not available for work.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/kjw