

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JEFFREY A CANTRILL**  
Claimant

**APPEAL NO. 10A-UI-06836-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ALL-FEED PROCESSING**  
Employer

**OC: 02/14/10**  
**Claimant: Appellant (1)**

Section 96.4(3) – Able and Available

**STATEMENT OF THE CASE:**

Jeffrey Cantrill filed an appeal from a representative's decision dated May 4, 2010, reference 01, which denied benefits on a finding that he was still employed by All-Feed Processing under the same terms and conditions as hired. After due notice was issued, a hearing was held by telephone on June 22, 2010. The hearing was recessed to allow the parties to submit payroll records. The hearing reconvened on August 13, 2010. Mr. Cantrill participated in both hearings and Exhibit A was admitted on his behalf. The employer participated in both hearings by Sharon Coopman, Payroll Processor. Exhibit One was admitted on the employer's behalf.

**ISSUE:**

At issue in this matter is whether Mr. Cantrill is available for work within the meaning of the law.

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Cantrill has been employed by All-Feed Processing since December 11, 2008. He was hired to work on a part-time/as-needed basis. The number of hours he works varies depending on the amount of work available for him. He has worked as few as 3 hours and as many as 39 hours a week. He was never promised any minimum number of hours each week.

**REASONING AND CONCLUSIONS OF LAW:**

In order to receive job insurance benefits, an individual must be available for work within the meaning of the law. Iowa Code section 96.4(3). An individual who is still employed in a part-time job under the same terms and conditions as hired is not considered available for work. 871 IAC 24.23(26). The number of hours Mr. Cantrill works has always varied depending on the availability of work. This necessarily means that he may work fewer hours in one week than he does in another. Given the historical fluctuations in the number of hours worked, the administrative law judge cannot conclude that he was working on a reduced workweek basis when he filed his claim for job insurance benefits.

For the reasons stated herein, it is concluded that Mr. Cantrill was not available for work within the meaning of the law as of February 14, 2010. As such, benefits are denied.

**DECISION:**

The representative's decision dated May 4, 2010, reference 01, is hereby affirmed. Mr. Cantrill is denied benefits effective February 14, 2010 as he was not available for work within the meaning of the law.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/css