

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RUTH A CROFT
Claimant

APPEAL NO. 11A-UI-07819-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 05/01/11
Claimant: Appellant (2)**

Section 96.4-3 – Eligibility for Benefits

STATEMENT OF THE CASE:

Ruth A. Croft filed a timely appeal from an unemployment insurance decision dated June 7, 2011, reference 01, that denied benefits to her. After due notice was issued, a telephone hearing was held July 13, 2011 with Ms. Croft participating.

ISSUE:

Is the claimant available for work?

FINDINGS OF FACT:

Ruth A. Croft has been involved in a small family farm operation since 1981. Since her father passed away a decade ago, she has played a principal role in raising cattle. She also rents out some of the crop land. During this time Ms. Croft has also been employed off the farm, most recently at a store in the Tanger mall. She is seeking employment and is not expanding her farming operation.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the claimant is eligible for unemployment insurance benefits. She is.

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".

The evidence establishes that the claimant has been involved in a family farming operation for the past 30 years and that her role in the farming operation has not changed in the past decade. During this time she has also maintained off-farm employment. The administrative law judge finds no essential change in the claimant's self-employment activities. He concludes that she is eligible to receive unemployment insurance benefits. The claimant is encouraged to contact the agency to seek its assistance in re-employment services.

DECISION:

The unemployment insurance decision dated June 7, 2011, reference 01, is reversed. The claimant is entitled to receive unemployment insurance benefits, provided she is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs