

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

JOYCE A GODDARD  
32031 “Y” AVE  
UNION IA 50258

ALABAMA FARMERS COOPERATIVE INC  
BONNIE PLANT FARM  
PO BOX 2227  
DECATUR AL 35609-2227

Appeal Number: 04A-UI-03841-CT  
OC: 01/18/04 R: 02  
Claimant: Appellant (4)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

Joyce Goddard filed an appeal from a representative's decision dated March 31, 2004, reference 01, which denied benefits effective January 18, 2004 on a finding that she was not in the labor market. After due notice was issued, a hearing was held by telephone on April 27, 2004. Ms. Goddard participated personally and Exhibit A was admitted on her behalf. The employer did not respond to the notice of hearing.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all the evidence in the record, the administrative law judge finds: Ms. Goddard has been employed by Alabama Farmers

Cooperative, Inc. since January of 2003. The work is somewhat seasonal in that fewer hours are available during winter months. The number of available hours usually increases in approximately February of each year. During the week ending January 24, 2004, Ms. Goddard worked 30.75 hours; week ending January 31, 35.5 hours; week ending February 7, zero hours; week ending February 14, 47.5 hours; and week ending February 21, 41 hours.

#### REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Goddard is eligible to receive benefits on her claim filed effective January 18, 2004. She was working fewer hours than normal when she filed her claim due to the seasonal nature of the work. She remained available to work the number of hours for which she was hired. The administrative law judge concludes that she was eligible to receive benefits for the week ending January 24 when she worked only 30.75 hours and the week ending February 7 when she worked no hours. During the remaining weeks she claimed, Ms. Goddard was working sufficient hours to be considered employed. See 871 IAC 24.23(23). Therefore, benefits are denied for the weeks ending January 31, February 14, and February 21, 2004.

#### DECISION:

The representative's decision dated March 31, 2004, reference 01, is hereby modified. Ms. Goddard was partially unemployed and eligible to receive job insurance benefits for the weeks ending January 24 and February 7, 2004, provided she satisfied all other conditions of eligibility.

cfc/b