

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TINA L ELDER**  
Claimant

**APPEAL NO. 13A-UI-07180-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 05/19/13**  
**Claimant: Appellant (2)**

Iowa Code § 96.4(3) – Able and Available – Adequate Work Search

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the June 11, 2013, reference 01, decision that warned the claimant that she may be disqualified for benefits for future weeks if she did not make adequate work searches. After reviewing the claimant's appeal letter and Agency records the administrative law judge determined that no additional testimony was necessary and no hearing was held.

**ISSUE:**

Is the warning appropriate and is the claimant required to make in-person work searches?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant is a member of Laborer's Local #538 in Galesburg Illinois and is a member in good standing. She obtains employment through her union hall. She has been contacting her union hall for employment at least once per week since filing her claim for benefits.

**REASONING AND CONCLUSIONS OF LAW:**

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".

871 IAC 24.2(1)c(5) provides: "Group "5" claimants are those individuals who are members of unions trades or professional having their own placement facilities. Claimants assigned to this group will be registered for work. A paid-up membership is acceptable as evidence of membership in such an organization. Loss of membership shall result in an assignment to group "2."

Union members who normally get a job through a union hiring hall are required to contact the hiring hall once each week to satisfy their work search requirement. The claimant is a union member and did so. Accordingly, the warning was not appropriate. The claimant shall be allowed to meet the work search requirement by contacting the union hiring hall at least once each week and shall be categorized as a group "5" claimant.

**DECISION:**

The June 11, 2013 (reference 01) decision is reversed. The decision warning the claimant to conduct at least two in-person work searches during each week benefits are claimed was not appropriate. The claimant's work search designation shall be changed to reflect union hall work searches as a group code "5" employee effective May 19, 2013.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

tkh/pjs