

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ALAN L VANGORKOM
Claimant

APPEAL NO: 08A-UI-11183-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

BARKER COMPANY LTD
Employer

**OC: 12/23/07 R: 03
Claimant: Appellant (1)**

Section 96.4-3 – Work Search

STATEMENT OF THE CASE:

Alan L. Vangorkom (claimant) appealed a representative's November 19, 2008 decision (reference 01) that concluded he was no longer considered on a temporary layoff from Barker Company Ltd. (employer) and was required to make an active search for work. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 19, 2008. The claimant participated in the hearing. The employer failed to respond to the hearing notice by contacting the Appeals Section prior to the hearing and providing the phone number at which the employer's representative/witness could be contacted to participate in the hearing. As a result, no one represented the employer. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is the claimant required to make an active search for work?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of December 23, 2007. He reopened his claim the week of October 19, 2008. Initially, the Department considered the claimant on a temporary layoff and did not require him to look for work. About a month later, the Department concluded the claimant was not on a temporary layoff or would not be returning to work within a reasonable time and required him to make an active search for work.

The claimant has worked for the employer since 1999. Typically, he has been laid off during the holidays in December, but had not previously been laid off in mid-October. When he was laid off in October, the employer indicated he would not be called back to work again until March or April. The employer still has employees working full time, even employees in the claimant's department.

After the claimant received the notice that he was required to look for work, he contacted the plant manager. The employer's plant manager was evasive about the claimant returning to work.

REASONING AND CONCLUSIONS OF LAW:

Before a claimant is considered eligible to receive weekly unemployment insurance benefits, he must make an active search for work each week he files a claim for benefits unless work search requirements have been waived by the Department. Iowa Code section 96.4-3. The administrative rules provide that Group 1 claimants have a definite attachment to a specific employer or trade and have reasonable employment prospects in a reasonable period of time are not required to make an active work search. 871 IAC 24.2(1)(c)(1). Group 6 claimants are individuals who must look for work but whose occupations use resumes and are normally unable to make in-person job contacts for employment purpose. 871 IAC 24.2(1)(c)(6).

The record reflects the Department considers the claimant in Group 6. This means based on the claimant's potential period of layoff, he does not have prospects of being reemployed in a reasonable period of time. Since the employer told the claimant he would be laid off for five to six months, this is not considered a reasonable period of time in which he can expect to be called back to work. Based on the time the claimant can be laid off from work, the Department's requirement for him to look for work is not unreasonable. Currently, the claimant has been authorized to send resumes in addition to making in-person job contacts to satisfy his work search requirements. As of November 23, 2008, the claimant is required to make an active search for work.

DECISION:

The representative's November 19, 2008 decision (reference 01) is affirmed. As of November 23, 2008, the claimant is required to make an active search for work

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs