

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STEPHANIE S DAVIS
Claimant

APPEAL NO. 13A-UI-07348-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 07/01/12
Claimant: Appellant (2)**

Section 96.4(3) – Work Search

STATEMENT OF THE CASE:

The claimant, Stephanie Davis, filed an appeal from a decision dated June 18, 2013, reference 01. The decision warned the claimant to make at least two in-person job contacts per week to remain eligible to receive unemployment benefits. After due notice was issued a hearing was held by telephone conference call on June 27, 2013. The claimant participated on her own behalf.

ISSUE:

The issue is whether the claimant made an active and earnest search for work.

FINDINGS OF FACT:

Stephanie Davis filed a claim for unemployment benefits with an effective date of July 1, 2012 and an additional claim effective May 12, 2012. She has worked for a temporary employment agency for nine years and is laid off every spring with a return to work date in late September or early October of the same year.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 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 claimant has sufficiently demonstrated to the administrative law judge that she is on temporary layoff with her regular employer and work searches do not have to be made as she has a recall date.

DECISION:

The representative's decision of June 18, 2013, reference 01, is reversed. The claimant is on temporary layoff and work search is not required.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs