

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KATHLEEN M HUFFMAN
Claimant

APPEAL 22A-UI-06787-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/28/21
Claimant: Appellant (2)**

Iowa Code § 96.4(3) – Able and Available/Work Search
Iowa Admin. Code r. 871-24.22(3) – Earnest and Active Search for Work
Iowa Admin. Code r. 871-24.23(28) – Work Search Warning

STATEMENT OF THE CASE:

Claimant, Kathleen M. Huffman, filed an appeal from the March 9, 2022, (reference 01), unemployment insurance decision that advised the claimant they were no longer considered temporarily unemployed and warned the claimant they must begin making a minimum of four employment contacts each week. After due notice was issued, a telephone conference hearing was held at on May 2, 2022. The hearing was held together with Appeal 22A-UI-06789-JC-T. Official notice was taken of the administrative records.

ISSUE:

Is the claimant required to begin making employment contacts?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant established the claim for unemployment insurance benefits with an effective date of November 28, 2021. The claimant is employed with Fort Dodge Asphalt, which performs road construction work and performs work on roads and highways. The claimant opened a claim for unemployment insurance benefits due to a temporary, seasonal layoff from employment. Claimant is not currently categorized in group code 3 for purposes of employment contacts. Claimant's employment is classified in a set of trades and occupations that are exempt from making employment contacts for the duration of the claim year.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant is exempt from making the minimum of four employment contacts on a weekly basis.

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. (a) The individual is able to work, is available for work, and is earnestly and actively seeking work...

(b) Notwithstanding any provision of this chapter to the contrary, the department may establish by rule a process to waive or alter the work search requirements of this subsection for a claim for benefits if an individual has a reasonable expectation that the individual will be returning to employment and is attached to a regular job or industry... To be considered attached to a regular job or industry, an individual must be on a short-term temporary layoff.

In this case, Iowa Workforce Development has made the policy decision to exempt workers in claimant's trade/occupation from weekly employment contacts. This exemption will ensure they are available to return to employment with their regular employer whenever called to return. Therefore, the administrative law judge finds the claimant was not required to make employment contacts and the notice issued was not appropriate and must be removed.

DECISION:

The March 9, 2022, (reference 01) unemployment insurance decision is reversed. The claimant is not required to begin making employment contacts. Therefore, the notice issued was not appropriate and must be removed.



Jennifer L. Beckman
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
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May 16, 2022

Decision Dated and Mailed

jlb/ac