

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SHERMAN Y SWANK**  
Claimant

**APPEAL NO. 08A-UI-00410-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BISOM TRUCK LINE INC**  
Employer

**OC: 12/30/07 R: 02  
Claimant: Appellant (1)**

Section 96.4-3 – Work Search Required

**STATEMENT OF THE CASE:**

Sherman Y. Swank (claimant) appealed a representative's January 10, 2008 decision (reference 02) that informed the claimant he was no longer considered temporarily unemployed and was required to make a minimum of two job contacts each week he filed a claim for benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on January 28, 2008. The claimant participated in the hearing. Mike Udelhoven, the president, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUES:**

Is the claimant temporarily unemployed?

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

**FINDINGS OF FACT:**

The claimant's last day of work for the employer was December 28, 2007. The employer told the claimant business was slow and he was on a temporary layoff. At that time, the employer anticipated the claimant could be recalled to work by early February 2008.

The claimant established a claim for benefits during the week of December 30, 2007. The Department considered the claimant on a temporary layoff and did not require him to make job contacts.

After the claimant had been laid off from work, the employer assessed its business needs. The employer had been hauling for Maytag and after the Newton facility closed, the employer's business slowed down significantly. On or about January 10, 2008, the employer contacted the Department to report the claimant's layoff would be permanent instead of temporary. The employer did not contact the claimant about this change in employment status.

Since the claimant was laid off from work, he has been actively looking for another job.

**REASONING AND CONCLUSIONS OF LAW:**

Each week a claimant files a claim for benefits he must be able to and available for work. Iowa Code § 96.4-3. When a claimant establishes a claim, he is required to register to work. A claims taker then assigns a group code to the claimant and decides what, if any, work search he is required to do. A claimant who is temporarily unemployed for a period of time not to exceed four weeks is not required to look for work. Claimants who are not temporarily unemployed may be required to make a minimum of two in-person job contacts each week they file a claim for benefits. 871 IAC 24.2(1)(10).

When the claimant first established his claim, the employer told him he was temporarily unemployed. Since the claimant was temporarily unemployed, he was not required to look for work. Even though the claimant was not required to look for work, he was. The claimant did not know the employer changed his employment status from temporarily laid off to permanently laid off. This was the reason he appealed. When the employer notified the Department that the claimant was permanently laid off from work, the claimant's work search status changed as of January 13, 2008, and he was required to make a minimum number of job contacts each week he filed a claim for benefits.

**DECISION:**

The representative's January 10, 2008 decision (reference 02) is affirmed. The claimant's work status changed when the employer decided the claimant would not be called back to work. As of January 13, 2008, the claimant is required to make a minimum of two job contacts each week he files a claim for benefits.

---

Debra L. Wise  
Administrative Law Judge

---

Decision Dated and Mailed

dlw/kjw