

**IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI**

**BECKY S HOFFBAUER  
303 E PRESTON ST  
STANWOOD IA 52337-9781**

**ACT INC  
c/o JOHNSON AND ASSOCIATES  
PO BOX 6007  
OMAHA NE 68106-0007**

**Appeal Number: 05A-UI-11051-HT  
OC: 11/14/04 R: 03  
Claimant: Appellant (2)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.4(3) – Work Search

STATEMENT OF THE CASE:

The claimant, Becky Hoffbauer, filed an appeal from a decision dated October 19, 2005, reference 01. The decision found the claimant was no longer temporarily unemployed and must make two work searches per week to remain eligible for unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on November 10, 2005. The claimant participated on her own behalf. The employer, ACT, Inc. did not participate.

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Becky Hoffbauer began working for ACT, Inc., in

September 2001. She is considered a “contingent” employee, which means she is assigned to temporary projects as they become available. Projects are sometimes “back to back,” and sometimes there is a period of time between projects when she does not work.

ACT, Inc., continues to employ Ms. Hoffbauer

#### REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is no longer temporarily unemployed. The judge concludes she is not.

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".

Ms. Hoffbauer continues to work as a contingent employee for ACT, Inc., as she has since her employment began in September 2001. She may be temporarily unemployed during periods between projects, but this is only temporary, and not permanent.

#### DECISION:

The representative's decision of October 19, 2005, reference 01, is reversed. Becky Hoffbauer is temporarily unemployed and no work search is required.

bgh/kjw