

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SHERRI K KONFRST**  
Claimant

**APPEAL NO. 11A-UI-06985-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CDS GLOBAL INC**  
Employer

**OC: 05/01/11**  
**Claimant: Appellant (1-R)**

Section 96.4-3 – Active Work Search

**STATEMENT OF THE CASE:**

Sherri K. Konfrst filed a timely appeal from an unemployment insurance decision dated May 18, 2011, reference 02, that required she conduct an active work search. After due notice was issued, a telephone hearing was held June 20, 2011. Ms. Konfrst did not respond to the hearing notice. Workforce Administrative Manager Jill Murtaugh participated for the employer, CDS Global, Inc.

**ISSUE:**

Is the claimant a temporarily unemployed individual who should be exempted from the work search requirement?

**FINDINGS OF FACT:**

Sherri K. Konfrst has been laid off by CDS Global, Inc. No recall date has been set. The company expects all of its employees on layoff to conduct a work search.

Ms. Konfrst is currently coded as being on temporary layoff.

**REASONING AND CONCLUSIONS OF LAW:**

The question is whether it is appropriate to waive the work search requirement for Ms. Konfrst. It 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".

Since the claimant is on layoff with no set date of recall and since the employer desires all its employees in Ms. Konfrst's situation to conduct a work search, there are no grounds for waiving the work search requirement.

**DECISION:**

The unemployment insurance decision dated May 18, 2011, reference 02, is affirmed. The claimant must conduct a work search. This case is remanded to the Unemployment Insurance Services Division to re-code the claimant as one who is required to make an active work search each week.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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