

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BECKY S HOFFBAUER
Claimant

APPEAL NO: 06A-UI-08575-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ACT INC
Employer

**OC: 12/18/06 R: 03
Claimant: Appellant (2)**

Section 96.4(3) – Work Search

STATEMENT OF THE CASE:

The claimant, Becky Hoffbauer, filed an appeal from a decision dated August 15, 2006, reference 01. The decision found the claimant was no longer temporarily unemployed and must begin to make weekly job contacts. After due notice was issued a hearing was held by telephone conference call on September 12, 2006. The claimant participated on her own behalf. The employer, ACT, did not provide a telephone number where a representative could be contacted and did not participate.

ISSUE:

The issue is whether the claimant is temporarily unemployed.

FINDINGS OF FACT:

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.

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".

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 unemployed during periods between projects but this is only temporary and not permanent.

DECISION:

The representative's decision of August 15, 2006, reference 01, is reversed. Becky Hoffbauer is temporarily unemployed and no work search is required.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs