

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DAVID E GAAL**  
Claimant

**APPEAL NO. 12A-UI-02468-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WEITZ INDUSTRIAL LLC**  
Employer

**OC: 02/12/12**  
**Claimant: Appellant (2)**

Iowa Code Section 96.4(3) – Work Search

**STATEMENT OF THE CASE:**

David Gaal filed a timely appeal from the March 2, 2012, reference 01, decision that required him to seek work, make two job contacts a week, and keep a record of those job contacts. After due notice was issued, a hearing was held on March 28, 2012. Mr. Gaal participated. The employer did not respond to the hearing notice instruction to provide a telephone number for the hearing and did not participate.

**ISSUE:**

Whether Mr. Gaal has separated from Weitz Industrial and, therefore, is required to make weekly job contacts.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: David Gaal established a claim for unemployment insurance benefits that was effective February 12, 2012. Mr. Gaal established the claim in response to being temporarily laid off from full-time employment with Weitz Industrial, L.L.C. Mr. Gaal was laid off for the week that ended February 18, 2012. Mr. Gaal worked for Weitz full-time during the weeks that ended February 25 and March 3, 2012. Mr. Gaal was then laid off from Weitz for the week that ended March 10, 2012. At the start of the week that began March 11, 2012, Mr. Gaal returned to his full-time work at Weitz and continues in that full-time work.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code § 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".

Mr. Gaal was temporarily unemployed from Weitz during the week that ended February 18, 2012 and again during the week that ended March 10, 2012. During those weeks of temporary unemployment, Mr. Gaal was still attached to the Weitz employment, and was not required to seek new employment. Mr. Gaal returned to the full-time employment with the week that began March 11, 2012 and discontinued his claim for unemployment insurance benefits at that time.

**DECISION:**

The Agency representative's March 2, 2012, reference 01, is reversed. The claimant was temporarily unemployed during the week that ended February 18, 2012 and again during the week that ended March 10, 2012. The claimant was not required to seek new employment during the two weeks he was temporarily unemployed, but job attached.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/pjs