

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**STUART A CLEMENTS**  
Claimant

**APPEAL 17A-UI-04803-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 12/25/16**  
**Claimant: Appellant (2)**

Iowa Code § 96.4(3) – Able and Available  
Iowa Code § 96.4(3) - Adequate Work Search

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the May 4, 2017, (reference 09) decision. The decision found the claimant not eligible for benefits for the week ending April 8, 2017 concluding that he had not made an adequate work search. Claimant's appeal letter was sufficient to resolve the issue and no hearing was held.

**ISSUE:**

Was the claimant required to make a work search for the week ending April 8, 2017?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a claim for unemployment insurance benefits with an effective date of December 25, 2016. The claimant began a new job on March 20, 2017. He was not required to continue looking for work as he had obtained and begun new employment. The claimant was working reduced hours due to lack of work caused by inclement weather during the week ending April 8, 2017. The claimant was temporarily laid off that week and was not required to make job searches.

**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".

The claimant has sufficiently demonstrated to the satisfaction of the administrative law judge that claimant was available for work the week ending April 8, 2017 and was not required to make job searches as he was temporarily laid off due to lack of work. Accordingly, benefits are allowed for the week ending April 8, 2017, provided the claimant is otherwise eligible.

**DECISION:**

The May 4, 2017, (reference 09) decision is reversed. The decision finding the claimant made an inadequate work search is reversed. Benefits are allowed, provided the claimant is otherwise eligible.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

tkh/scn