

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STEVEN M SMITH
Claimant

APPEAL NO. 08A-UI-01357-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 01/27/08 R: 01
Claimant: Appellant (2)**

Section 96.4-3 – Work Search

STATEMENT OF THE CASE:

The claimant filed a timely appeal from an unemployment insurance decision dated February 5, 2008, reference 02, which imposed a warning upon a finding that the claimant had failed to make an active work search for the week ending February 2, 2008. After a review of the information in the claimant's appeal letter and Agency benefit payment records, the administrative law judge concludes that no additional testimony is necessary.

ISSUE;

Should the warning be removed from the claimant's record?

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: The claimant filed a claim for benefits effective January 27, 2008 after being temporarily laid off by his regular employer. The claimant remains attached to the regular employer. The Agency miscoded the claim for benefits to indicate that the claimant was required to make an active work search.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the warning should be removed from the claimant's record.

Iowa Code section 96.4-3 establishes a general rule that all claimants must make an active work search each week that they request benefits. The statute, however, creates several exceptions, one of which is for individuals temporarily laid off from their regular employer. The evidence in this record persuades the administrative law judge that this claimant is such a person. The claimant is not required to make a work search. The warning shall be removed.

DECISION:

The unemployment insurance decision dated February 5, 2008, reference 02, is reversed. The warning is removed from the claimant's record.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

css/css