

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

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IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 06A-UI-00688-DWT
OC: 01/01/06 R: 03
Claimant: Appellant (2)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.4-3 – Active Work Search

STATEMENT OF THE CASE:

David E. Ludwig (claimant) appealed a representative's January 10, 2006 decision (reference 01) that gave the claimant a warning for failing to make an active search for work during the week ending January 7, 2006. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was scheduled on February 2, 2006. The claimant did not participate in the hearing. Based on the administrative record and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is the warning the representative issued in the January 10, 2006, warranted?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of January 1, 2006. The claimant established a claim because he was placed on a one-week layoff by his employer. The claimant was coded by the Department as being on a temporary layoff. The claimant understood that when he was on a temporary layoff, he was not required to look for work. The claimant returned to work the week of January 8, 2006.

The claimant filed a claim for unemployment insurance benefits during the week ending January 7, 2006. The claimant did not look for any work this week.

REASONING AND CONCLUSIONS OF LAW:

Before a claimant is considered eligible to receive weekly unemployment insurance benefits, he must make an active search for work. Iowa Code section 96.4-3. The administrative rule states an individual shall be ineligible for benefits for any period for which the department finds the individual failed to make an earnest and active search for work. In this case, the claimant was on a one-week layoff and was not required to look for work. As a result, the warning the claimant received is not warranted.

DECISION:

The representative's January 10, 2006 decision (reference 01) is reversed. The claimant was not required to look for work during the week ending January 7, 2006, because he was on a one-week temporary layoff. A warning for not making an active search for work while on a temporary layoff is not warranted.

dlw/kjw