

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RANDY L REDIG

Claimant

APPEAL NO: 13A-UI-13809-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CITY OF STORM LAKE

Employer

OC: 12/01/13

Claimant: Appellant (5)

Section 96.19(38)c – Temporarily Unemployed
Section 96.4(3) – Work Search Requirements

STATEMENT OF THE CASE:

Randy L. Redig (claimant) appealed a representative's December 13, 2013 decision (reference 01) that concluded he was no longer temporarily unemployed in conjunction with his employment with the City of Storm Lake and that he would need to start making job contacts. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on January 13, 2014. This appeal was consolidated for hearing with one related appeal, 13A-UI-14014-DT. The claimant participated in the hearing. The employer's representative received the hearing notice and responded by informing the Appeals Section indicating that the employer was not going to participate in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is the claimant still temporarily unemployed within the meaning of the law?

FINDINGS OF FACT:

Since about 2005 the claimant has worked seasonally for the employer from about March through November. From his 2012 employment he had established a claim for unemployment insurance benefits effective December 2, 2012. Most recently he began working for the employer on or about April 1, 2013. His last day of work in 2013 was on or about November 15, 2013. He then reactivated his 2012 claim by filing an additional claim effective November 17, 2013. He received benefits under that claim year for the remaining two weeks on the claim. Upon the expiration of that claim year he established a new benefit year effective December 1, 2013. He has been making weekly claims and receiving benefits under that new claim year as of that date through at least the date of the hearing.

The claimant's supervisor provided him with a statement that the claimant "will return to work March 15 [2014] (on or around) if he reapplies." This is the same practice as has been followed in prior years. In prior years the claimant has not been advised that he needed to perform a

search for work during his period of unemployment. The representative's decision in this case concluded that the claimant was now required to perform a search for work.

REASONING AND CONCLUSIONS OF LAW:

Unless an exception applies, with respect to any week in which unemployment insurance benefits are sought, in order to be eligible the claimant must be able to work, be available for work, and be earnestly and actively seeking work. Iowa Code § 96.4-3. One of the exceptions is where the claimant is only "temporarily unemployed." Iowa Code Section 96.19-38-c defines temporary unemployment as follows:

An individual shall be deemed temporarily unemployed if for a period, verified by the department, not to exceed four consecutive weeks, the individual is unemployed due to a plant shutdown, vacation, inventory, lack of work or emergency from the individual's regular job or trade in which the individual worked full-time and will again work full-time, if the individual's employment, although temporarily suspended, has not been terminated.

Emphasis added.

As of the benefit week ending December 14, 2013, the claimant had been unemployed for four weeks. As of the benefit week beginning December 15, 2013, he is subject to the work search requirement, even if he should be rehired by the employer in the spring of 2014.

DECISION:

The representative's December 13, 2013 decision (reference 01) is modified with no direct impact on the parties. Effective December 15, 2013, the claimant is no longer temporarily unemployed and must make an active and earnest search for work in order to maintain his eligibility for job insurance benefits.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs