

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MARY BECK
Claimant

APPEAL 22A-UI-06703-ED-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 12/5/21
Claimant: Appellant (1)**

Iowa Code § 96.4(3) – Able and Available/Work Search
Iowa Admin. Code r. 871-24.22(3) – Earnest and Active Search for Work

STATEMENT OF THE CASE:

On March 18, 2022, claimant, Mary Beck, filed an appeal from the March 9, 2022, (reference 01), unemployment insurance decision that advised the claimant she was no longer considered temporarily unemployed and warned the claimant she must begin making a minimum of four employment contacts each week. After due notice was issued, a telephone conference hearing was scheduled to be held on May 2, 2022.

ISSUE:

Is the claimant required to begin making employment contacts?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant is employed with Fenelon Place Elevator. The claimant opened a claim for unemployment insurance benefits due to a temporary seasonal layoff from employment. Claimant's employment is not classified in a set of trades and occupations that are exempt from making employment contacts for the duration of the claim year. Claimant was laid off on December 1, 2021. Claimant returned to work on April 1, 2022.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant is not exempt from making the minimum of four employment contacts on a weekly basis.

Iowa Code section 96.4(3) provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

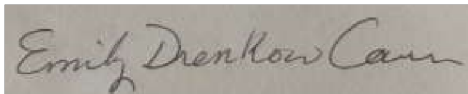
3. (a) The individual is able to work, is available for work, and is earnestly and actively seeking work...

(b) Notwithstanding any provision of this chapter to the contrary, the department may establish by rule a process to waive or alter the work search requirements of this subsection for a claim for benefits if an individual has a reasonable expectation that the individual will be returning to employment and is attached to a regular job or industry... To be considered attached to a regular job or industry, an individual must be on a short-term temporary layoff.

In this case, Iowa Workforce Development has made the policy decision to exempt workers in claimant's trade/occupation from weekly employment contacts. This exemption will ensure they are available to return to employment with their regular employer whenever called to return. However, the claimant's employer does not fall within the exemption. Therefore, the administrative law judge finds the claimant is required to make employment contacts and the notice issued was appropriate.

DECISION:

The March 9, 2022, (reference 01) unemployment insurance decision is affirmed. The claimant is required to begin making employment contacts. Therefore, the notice issued was appropriate.



Emily Drenkow Carr
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

May 16, 2022

Decision Dated and Mailed

Ed/ac