

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

WILLIAM R BERGELL
Claimant

APPEAL NO. 11A-UI-14850-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 07/10/11
Claimant: Appellant (1)**

Section 96.4-3 – Temporary Unemployment, Job Contacts

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated November 14, 2011, reference 04, which held claimant no longer temporarily unemployed. After due notice, a hearing was scheduled for and held on December 8, 2011. Claimant failed to respond to the hearing notice and did not participate. Exhibit One was admitted into evidence.

ISSUE:

The issue in this matter is whether claimant is temporarily unemployed.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds:

Claimant effective November 14, 2011 has been off work from a former employer for more than six weeks. Claimant is not temporarily unemployed because he has not been called back to work in six weeks.

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".

Claimant is required to make two job contacts per week effective November 14, 2011.

DECISION:

The decision of the representative dated November 14, 2011, reference 04 is affirmed. Claimant is not temporarily unemployed effective November 14, 2011. Claimant must make two work searches per week.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/pjs