

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CHARLES W HINTERMEISTER**  
Claimant

**APPEAL NO. 13A-UI-13233-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 01/06/13**  
**Claimant: Appellant (2)**

Iowa Code § 96.4(3) - Adequate Work Search

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the November 26, 2013, reference 02, decision. The decision warned that the claimant may be disqualified for future weeks in which benefits are claimed and fewer than two in-person job contacts are made but did not deny benefits for that week. After reviewing the claimant's appeal letter and agency records, the administrative law judge determined that no additional testimony was needed and no hearing was held.

**ISSUE:**

The issue is whether the warning to make two or more in-person job contacts per week is appropriate.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a claim for unemployment insurance benefits with an effective date of January 6, 2013. During the week ending November 23, 2013, the claimant failed to conduct at least two in-person work searches. The claimant should be categorized as a group code 3 employee as he is a seasonal employee and job searches are not required. The claimant has worked in this manner for the last 20 years of his employment. The agency shall change the claimant's group code classification from 6 to 3 and he is not required to make two in-person job searches each week.

**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".

The claimant's appeal letter has sufficiently demonstrated to the satisfaction of the administrative law judge that he should have been classified as a group code 3 employee and not required to make in-person job searches. Accordingly, the warning was inappropriate.

**DECISION:**

The November 26, 2013, reference 02, decision is reversed. The decision warning the claimant to conduct at least two in-person work searches during each week benefits are claimed was inappropriate. The claimant's group code shall be changed from a 6 to a 3.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

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