

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BERRI J BISHER
Claimant

APPEAL NO. 06A-UI-10518-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**HELPING HANDS TEMPORARY
SERVICES INC**
Employer

OC: 09/10/06 R: 01
Claimant: Respondent (1)

Section 96.4(3) – Work Search

STATEMENT OF THE CASE:

The employer, Helping Hands, filed an appeal from a decision dated October 18, 2006, reference 01. The decision allowed benefits to the claimant, Berri Bisher. After due notice was issued, a hearing was held by telephone conference call on November 13, 2006. The claimant participated on his own behalf. The employer participated by President Arlene Wenzel.

ISSUE:

The issue is whether the claimant must make weekly work searches.

FINDINGS OF FACT:

Berri Bisher filed a claim for unemployment benefits with an effective date of September 10, 2006. Notice of the claim was mailed to Helping Hands on September 12, 2006, and returned to Iowa Workforce Development on September 22, 2006. The employer did not indicate anything on the protest form except in the remarks section. That statement was that the claimant was a temporary worker and was, therefore, not temporarily unemployed. The decision in the present case was issued on the basis of that statement requiring the claimant to make two employer contacts each week.

REASONING AND CONCLUSIONS OF LAW:

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. 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 is not temporarily unemployed and must make two employer contacts each week in order to maintain eligibility for unemployment benefits.

DECISION:

The representative's decision of October 18, 2006, reference 01, is affirmed. Berri Bisher must make two employer contacts each week in order to maintain eligibility for unemployment benefits.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/cs