

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MICHELLE L GROEN**  
Claimant

**APPEAL NO. 12A-UI-01478-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 12/18/11**  
**Claimant: Appellant (2)**

Section 96.4-3 – Active Work Search

**STATEMENT OF THE CASE:**

Michelle L. Groen filed a timely appeal from an unemployment insurance decision dated February 8, 2012, reference 03, that required that she commence a work search upon a finding that she could not be considered to be temporarily unemployed with her former employer. After due notice was issued, a telephone hearing was held February 24, 2012, with Ms. Groen participating.

**ISSUE:**

Is the claimant temporarily unemployed?

**FINDINGS OF FACT:**

For several years, Michelle L. Groen has been employed by Menards, Inc. as a salesyard cashier. The outdoor sales yard closes each fall around December 1, depending on the weather. It then reopens on or about April 1 of the following year, again depending on weather. Ms. Groen is laid off for the months that the sales yard is closed. She has received no indication from her employer that it does not intend to recall her in the spring of 2012 when the sales yard reopens.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.4-3 establishes general eligibility requirements. An individual is generally required to make an active work search each week that the individual requests benefits. Individuals who are temporarily unemployed with a strong likelihood of recall to their prior job are generally exempted from the work search requirement. The claimant has, in past years, been treated as being on temporary layoff. The administrative law judge finds no documentation indicating the employer has contacted the Agency to indicate that Ms. Groen will not be recalled in the spring of 2012. She has received no such indication. Under these circumstances, the administrative law judge concludes that the work search requirement should be waived, as the claimant is on temporary layoff expected to end on or about April 1, 2012.

**DECISION:**

The unemployment insurance decision dated February 8, 2012, reference 03, is reversed. The claimant is not required to make an active work search.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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