

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DONNA F BENGÉ
Claimant

APPEAL 16A-UI-06844-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 07/12/16
Claimant: Appellant (4)**

Iowa Code § 96.4(3) - Adequate Work Search

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the June 14, 2016, reference 01, decision. The decision warned that the claimant may be disqualified for future weeks in which benefits are claimed and fewer than two job contacts are made but did not deny benefits for that week. After due notice was issued a hearing was held on June 29, 2016. Claimant participated.

ISSUE:

Was the warning to make two or more job contacts per week 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 July 12, 2016. During the week ending June 11, 2016, the claimant failed to conduct at least two work searches. The claimant attended a class on June 9, held by the employer who had purchased her former employer's business, and believed that she would not have to make job searches for that week. The claimant has at least four years of consecutive unemployment insurance claims and has been provided with the reporting requirements. The claimant was required to make job searches for that week.

The claimant is currently coded by the Agency as a group "6" which requires she make two job searches per week. She will return to work full time in August and is only working part time until then.

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 was obligated to make at least two in-person work searches during each week benefits were claimed. The claimant failed to do so. Accordingly, the warning was appropriate.

871 IAC 24.2(1)c(6) provides: "Group "6" claimants are those individuals whose occupations are of a nature that utilize résumés or who are normally unable, due to factors such as occupation, distance, etc., to make in-person contacts for employment." Group code "3" individuals are considered temporarily unemployed and are allowed to go four weeks without making a job search.

871 IAC 24.2(1)c(2) and (3) provide that group "1" claimants are those who no longer meet the definition of group "3" claimants if they are temporarily unemployed for a period "not to exceed four consecutive weeks" because of a lack of work.

The claimant should be included in the group code 3 as she is temporarily laid off. If after four week of temporary unemployment the claimant has not returned to full time work, the claimant may be moved to group code 1.

Because the claimant is temporarily unemployed she is not required to make two job searches for the next four weeks while waiting to be recalled to work. After that time, she will be required to make her work searches unless otherwise notified by the unemployment insurance service center.

DECISION:

The June 14, 2016, reference 01, decision is modified in favor of the claimant by changing her group code from 6 to 3. The decision, warning the claimant to conduct at least two in-person work searches during each week benefits are claimed, was appropriate.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/can