

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KVIN HAAGENSON**  
Claimant

**APPEAL NO: 13A-UI-02048-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

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

Iowa Code § 96.4-3 - Active Search for Work

**STATEMENT OF THE CASE:**

Kvin Haagenson (claimant) an unemployment insurance decision dated February 12, 2013, reference 01, which issued him a warning for not making a minimum of two in-person job contacts during the week ending February 9, 2013. Due notice was issued scheduling the matter for a telephone hearing to be held February 13, 2013. Because a decision fully favorable to the party could be made based on the administrative record, a hearing was deemed unnecessary. Based on the evidence and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

The issue is whether the claimant made an active and earnest search for work for the week ending February 9, 2013.

**FINDINGS OF FACT:**

The administrative law judge, having reviewed and considered the evidence in the record, finds that: The claimant established a claim for unemployment insurance benefits effective January 6, 2013 and was placed in group code three, which is a temporary lay-off from employment with no requirement to search for work. A notice of claim was sent to the claimant's last employer, Innovative Ag Services Company on February 5, 2013 and a protest was received on February 8, 2013. The employer indicated the claimant was a seasonal employee and required to search for work. Iowa Workforce subsequently changed the claimant's group code to six and sent him notice on February 11, 2013. The claimant had not searched for work during the week ending February 9, 2013 because he was not aware he was required to do so until after that date. He has subsequently conducted weekly work searches.

**REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the claimant is actively and earnestly seeking work. Before a claimant is considered eligible to receive weekly unemployment insurance benefits, he must make an active search for work. Iowa Code § 96.4-3. The administrative rule states an individual shall be ineligible for benefits for any period for which the department finds the individual failed to

make an earnest and active search for work. An individual must make a sincere effort to find a job. 871 IAC 24.22(3).

All claimants, on an initial claim, shall state that they are registered for work and shall list their principal occupation. The claims taker will then assign a group code to the claimant to control the type of registration that is made. Code assignments will be based on all facts obtained at the time of the claim filing. 871 IAC 24.2(1)(c). Group 3 claimants are on a reduced work week but still attached to the employer. 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. 871 IAC 24.2(1)(c)(6). Group 2 claimants are those individuals who do not otherwise meet the qualification for group 1, 3, 4, 5 or 6. 871 IAC 24.2(1)(c)(2).

The claimant did not conduct a work search for the week ending February 9, 2013 because he had not received notice he was required to do so until after that date. Accordingly, the warning shall be rescinded.

**DECISION:**

The unemployment insurance decision dated February 12, 2013, reference 01, is reversed. The claimant was unaware he was required to search for work until after February 9, 2013 and the warning shall be rescinded.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

sda/pjs