

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**STEPHANIE A CONNOR**  
Claimant

**APPEAL NO: 09A-UI-09904-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 02/22/09**  
**Claimant: Appellant (1)**

Section 96.4-3 – Work Search

**STATEMENT OF THE CASE:**

Stephanie A. Connor (claimant) appealed a representative's July 7, 2009 decision (reference 02) that concluded that since she was no longer temporarily unemployed, she was required to make an active search for work. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on July 28, 2009. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Should the claimant be required to make an active search for work?

**FINDINGS OF FACT:**

The claimant established a claim for benefits during the week of February 22, 2009. The claimant's employer had to lay her off from her third shift job for lack of work. The claimant's employer hoped the claimant could be recalled back to work within three months. Since the claimant was laid off from work, her former employer has had to layoff other employees.

Initially, the claimant was not required to look for work because the employer hoped to call her back to work within three months. When the employer did not call her back to work for over four months, the Department reviewed the claimant's situation and concluded her layoff could no longer be considered a temporary or short-term layoff. The claimant was then informed that she had to start looking for work if she wanted to continue receiving unemployment insurance benefits.

After the Department informed the claimant she needed to start making a minimum two job contacts for each week she has been looking for work. If her former employer would call her back to work, she would return.

**REASONING AND CONCLUSIONS OF LAW:**

Each week a claimant files a claim for benefits, she must be able to and available for work and actively seeking work unless she is deemed temporarily unemployed. Iowa Code section 96.4-3. The Department, however, may waive work search requirements for claimants who are temporarily unemployed due to a lack of work but may be called back to full-time employment by their regular employer. After a period of temporary unemployment, the Department reviews the claimant's status to determine if work search requirements should be required. 871 IAC 24.2(9)(3).

The representative's July 7 decision does not indicate the claimant is no longer laid off from work, only that her layoff is no longer considered a temporary or short-term layoff that does not require her to look for work. After being laid off for more than four months, the claimant is required to look for work to be eligible to receive benefits. This does not mean the claimant's employer will not call her back to work, but no one knows when or if they may occur. Since the claimant has started to look for work, she has demonstrated she is able to and available for work as of July 7 when the Department informed the claimant she needed to start actively looking for work.

**DECISION:**

The representative's July 7, 2009 decision (reference 02) is affirmed. Since the claimant has not been called back to work in over four months, as of July 12, 2009, the claimant is required to actively look for work each week she files a claim for benefits. As of July 12, the claimant demonstrated she is able to and available for work.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs