

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**THOMAS SHURTZ**  
Claimant

**APPEAL NO. 13A-UI-03101-LT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 02/17/13  
Claimant: Appellant (2)**

Iowa Code § 96.4(3) – Ability to and Availability for Work  
Iowa Admin. Code r. 871-24.2(1)c(5) – Union/Trade/Professional Work Searches

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the March 5, 2013 (reference 02) decision. The decision warned that the claimant may be disqualified for future weeks in which benefits are claimed and fewer than two in-person job contacts are made. After due notice was issued, a hearing was scheduled to be held on April 10, 2013. Because there was enough information in the administrative record and the appeal letter to issue a decision, no hearing was held.

**ISSUES:**

Did the claimant make an adequate work search for the week ending March 2, 2013 and was the warning appropriate?

Should the work searches be made in-person or at the union hiring hall?

**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 February 17, 2013. During the week ending March 2, 2013, the claimant failed to conduct at least two in-person work searches. Claimant is a member of the Carpenter's Local # 308. He reported to the union hiring hall at least during the week in question. He is listed as a work search group code 5 on his claim.

**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".

Iowa Admin. Code r. 871-24.2(1)c(5) provides: Group "5" claimants are those individuals who are members of unions, trades, or professionals having their own placement facilities. Claimants assigned to this group will be registered for work. A paid-up membership is acceptable as evidence of membership in such an organization. Loss of membership shall result in an assignment to group "2."

Union members who normally get a job through a union hiring hall are required to contact the hiring hall once each week to satisfy their work search requirement. The claimant is a union member and did so. Accordingly, the warning was not appropriate. The claimant shall be allowed to meet the work search requirement by contacting the union hiring hall at least once each week.

**DECISION:**

The March 5, 2013 (reference 02) decision is reversed. The decision warning the claimant to conduct at least two in-person work searches during each week benefits are claimed was not appropriate.

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Dévon M. Lewis  
Administrative Law Judge

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Decision Dated and Mailed

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