

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**DAWN M EVANS
145 E PARK ST
FOREST CITY IA 50436-0000**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 04A-UI-03907-B4T
OC: 02-15-04 R: 02
Claimant: Appellant (4)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.4-3 – Whether Claimant is Temporarily Unemployed

STATEMENT OF THE CASE:

Dawn M. Evans appealed from an unemployment insurance decision, dated April 2, 2004, reference 02, that held in effect, the claimant was no longer temporarily unemployed with her former employer and must actively seek work by contacting at least 2 employers each week and keep a record of job contacts.

A telephone conference hearing was scheduled and held on April 22, 2004. Dawn M. Evans participated.

FINDINGS OF FACT:

The administrative law judge, having examined the entire record in this matter, finds that: Dawn M. Evans, was employed with Volt Temporary Services Agency from April 1, 2003 through February 13, 2004. The claimant was working at a job assignment, which temporarily ended on February 13, 2004. The claimant filed an initial claim for benefits, an effective date of February 15, 2004, and received benefits for the two weeks ending March 6, 2004, in the amount of \$218.00 each week.

The claimant subsequently became employed through Manpower, a temporary service agency, and is now employed and no longer seeking unemployment insurance benefits following the benefit week ending March 6, 2004.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code Section 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 evidence in the record establishes that the claimant was temporarily laid off from her job assignment through Volt Temporary Agency subsequently, however, the claimant has obtained employment through Manpower Temporary Agency and is presently working and not filing claims for benefits. Should she reactivate her claim, the agency will determine at that time if she is temporarily unemployed.

DECISION:

The unemployment insurance decision, dated April 2, 2004, reference 02, is modified. The claimant is no longer unemployed. The agency shall redetermine her work search requirement if she reactivates her claim.

dj/b