

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMES A EDGINGTON
Claimant

APPEAL NO: 10A-UI-00021-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 03/15/09
Claimant: Appellant (2)**

Section 96.4-3- Active Work Search

STATEMENT OF THE CASE:

The claimant appealed a representative's December 29, 2009 decision (reference 01) that issued him a warning for not making two job contacts for the week ending December 26, 2009. A telephone hearing was held on February 27, 2010. 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 receive a warning for not making job contacts for the week ending December 26, 2009?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of March 15, 2009. He understood that while he worked for a bus company and went on a short-term layoff, he was not required to make any job contacts for weeks he filed a claim for benefits.

The claimant was on a short-term layoff from First Student Management, a company that busses school children the week ending December 26, 2009. The claimant filed a claim for this week, but did not make any job contacts.

REASONING AND CONCLUSIONS OF LAW:

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).

The evidence indicates in the past the claimant was told his work search requirements were waived when he was on short-term layoff. The week ending December 26, 2009, the claimant was on a short-term layoff and did not look for work. He reopened his claim and filed a claim for partial benefits this week. Based on the facts presented in this case, the claimant's work search requirements should have been and are waived for the week ending December 26, 2009, because he was on a short-term layoff. The warning the claimant received was not warranted and should be removed.

(In a previous benefit year, the claimant was coded as a Group 3 claimant and was not required to look for work when he was on a short-term layoff. During the claimant's current benefit year, the claimant is coded as a Group 2 claimant. The claimant or his employer should check with the Department to find out why he is not again coded as a Group 3 claimant.)

DECISION:

The representative's December 29, 2009 decision (reference 01) is reversed. Since the claimant was on a short-term layoff the week ending December 26, 2009, his work search requirements are waived. Therefore, the warning issued to him was not warranted and shall be removed from his benefit history.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css