

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JACQUELYN WERSINGER**  
Claimant

**APPEAL NO. 07A-UI-10008-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HISTORIC ARNOLDS PARK**  
Employer

**OC: 10-07-07 R: 01  
Claimant: Appellant (2)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the October 24, 2007, reference 01, decision that determined she must make two weekly work searches. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on November 14, 2007. The claimant participated in the hearing. The employer did not respond to the hearing notice and did not participate in the hearing or request a postponement of the hearing as required by the hearing notice.

**ISSUE:**

The issue is whether the claimant is required to make two work searches per week.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant has worked as a seasonal employee for Historic Arnolds Park from April to September since 1996. She has also worked as a seasonal employee for H & R Block from January to April for the last three and one-half years. She is likely to return to H & R Block in January 2008 and expects to return to the Park in April 2008.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant is not required to make weekly work searches because she is temporarily unemployed.

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 claimant is temporarily unemployed from her position at Historic Arnolds Park as she is still attached to that job and expects to return in April 2008, as she has done since 1996. She also performs seasonal work for H & R Block and, as a result it, is very difficult for her to obtain employment from September to January in a resort town. Accordingly, benefits are allowed.

**DECISION:**

The October 24, 2007, reference 01, decision is reversed. The claimant is able to work and available for work effective October 7, 2007, and the work search requirement is waived. Benefits are allowed.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/kjw