

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CINDY L STROHBEHN
Claimant

APPEAL NO: 11A-UI-00915-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

COUNTY OF SCOTT
Employer

OC: 12/26/10
Claimant: Appellant (1)

Section 96.4-3 – Able and Available/Work Search
871 IAC 24.2(1)c(3) – Group Code 3/TLO and 6/Resume Search

STATEMENT OF THE CASE:

The claimant appealed a department decision dated January 12, 2011, reference 01, that held she is no longer temporarily employed, and she must make an active search for work by contacting two employers each week. A telephone hearing was held on February 21, 2011. The claimant participated. Barb McCollom, HR Generalist, participated for the employer.

ISSUE:

Whether the claimant is required to make an active and earnest search for work.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witnesses, and having considered the evidence in the record, finds: The claimant began work for the employer as a seasonal employee in 1993. Most recently, the claimant worked as a food service manager from March 14, 2010 to November 26.

When the claimant filed her claim, she indicated she was on a seasonal layoff with the expectation she would return in March 2011. The employer terminates claimant's seasonal employment and it requires her to go through an re-application process before she returns to work in the spring. When the employer received the December 26, 2010 notice of claim it protested claimant was temporarily unemployed knowing that she would be required to search for work. The department coded the claimant as a Group 6 work search individual.

Department rule 871 IAC 24.2(1)c(3) states: Group code "3" claimants are workers who are temporarily unemployed for a period of four consecutive weeks or less from the individual's regular employer. After the temporary unemployment period, claimants in this group are reviewed for placement to another group – code "6" that authorizes the use of résumé.

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 administrative law judge concludes that the claimant is required to search for work.

After the four-week unemployment period coupled with the employer protest claimant is no longer temporarily unemployed, she was coded by the department as Group 6. This group is required to search for work, but the claimant can use résumés that are submitted to not less than two employers each week in lieu of personal job contacts to meet the requirement.

DECISION:

The department decision dated January 12, 2011, reference 01, is affirmed. The claimant is required to search for work, but she may use resumes to satisfy the two employer search contacts each week.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/css