

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TIMOTHY P THOMPSON
Claimant

APPEAL NO. 13A-UI-13211-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

ACTUANT ELECTRICAL INC
Employer

OC: 11/17/13
Claimant: Appellant (2)

Section 96.4-3 – Able and Available
871 IAC R.24.22(3) – Active Work Search

STATEMENT OF THE CASE:

The claimant filed an appeal from a representative's decision dated November 27, 2013, reference 01, which held that the claimant was required to make an active work search. After due notice, a hearing was held on December 18, 2013, by telephone conference call. The claimant participated personally. The claimant was represented by Jean Mauss, attorney at law. The employer did not respond to the hearing notice and did not participate. The record consists of the testimony of Timothy Thompson and Claimant's Exhibit A.

ISSUE:

Whether the claimant failed to make an active work search.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witness and having considered all of the evidence in the record, makes the following findings of fact:

The employer manufactures automotive parts and fixtures. The claimant was hired on June 30, 2013, as a full-time machine operator and assembler. He was laid off on November 18, 2013, and placed on a recall list in the event positions open up for him, based on his seniority.

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".

An active work search is ordinarily a key eligibility requirement for receiving unemployment insurance benefits. A waiver of the work search requirement may be granted for short-term layoffs. The evidence in this case established that the employer placed the claimant on a temporary layoff effective November 18, 2013. The claimant is eligible for recall in the event a position opens up that he can reach based on his seniority.

DECISION:

The decision of the representative dated November 27, 2013, reference 01, is reversed. The claimant did not fail to make an active work search.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/pjs