

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

---

**CARSON JOHNSON**  
Claimant

**APPEAL 22A-UI-03292-JD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 11/14/21  
Claimant: Appellant (2)**

---

Iowa Code § 96.4(3) – Able & Available  
Iowa Admin. Code r. 871-24.23(3) – Work Search

**STATEMENT OF THE CASE:**

On January 18, 2022, Carson Johnson (claimant/appellant) filed an appeal from the January 18, 2022, reference 07, unemployment insurance decision that concluded that the claimant failed to make an earnest and active work search and was not able to and available for work for the week ending November 27, 2021. A telephone hearing was held at on April 26, 2022, pursuant to due notice. The claimant, Carson Johnson, participated and testified. The administrative law judge took official notice of the administrative record.

**ISSUES:**

Whether claimant is able to and available for work.

Whether claimant failed to make an earnest and active work search.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds:

The claimant's administrative record does not provide any information regarding the claimant's failure to report as directed. Additionally the claimant's Group Code has been reclassified to Group Code 3. The claimant is not required to participate in re-employment activities based on this classification. The claimant was laid off for the season from his employer, the City of Des Moines and he returned to work at the end of March 2022. The claimant is considered temporarily laid off and remains attached to his employer.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant has established a good cause reason for having failed to report as directed. Benefits are allowed.

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 96.1A, subsection 37, paragraph "b", subparagraph (1), or temporarily unemployed as defined in section 96.1A, subsection 37, and 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".

b. Notwithstanding any provision of this chapter to the contrary, the department may establish by rule a process to waive or alter the work search requirements of this subsection for a claim for benefits if an individual has a reasonable expectation that the individual will be returning to employment and is attached to a regular job or industry or a member in good standing of a union therein eligible for referral for employment. To be considered attached to a regular job or industry, an individual must be on a short-term temporary layoff. If work is not available at the conclusion of the layoff period due to short-term circumstances beyond the employer's control, the employer may request an extension of the waiver or alteration for up to two weeks from the department. For purposes of this paragraph, "short-term temporary layoff" means a layoff period of sixteen weeks or less due to seasonal weather conditions that impact the ability to perform work related to highway construction, repair, or maintenance with a specific return-to-work date verified by the employer.

The claimant's Group Code 3 is correct and he was temporarily laid off from his full-time employer due to the seasonal nature of his work. The claimant is not required to participate in the re-employment services. Claimant is deemed able to and available for work effective November 14, 2021.

**DECISION:**

The January 18, 2022, reference 07, unemployment insurance decision is reversed. Claimant is considered able to and available for work effective November 14, 2021.



---

Jason Dunn  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515) 478-3528

May 6, 2022

---

Decision Dated and Mailed

jd/ac