

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

DANIEL P BUTZ
Claimant

**MIDWEST AMBULANCE SERVICES OF
IOWA INC**
Employer

APPEAL 16A-UI-05940-JC
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/24/16
Claimant: APPELLANT (1)

Iowa Code § 96.4(3) – Work Search

STATEMENT OF THE CASE:

The claimant filed an appeal from the May 17, 2016 (reference 02) unemployment insurance decision that concluded the claimant was no longer considered temporarily unemployed and must begin to search for work by making no fewer than two job contacts per week. The parties were properly notified about the hearing. An in-person hearing was conducted in Des Moines, Iowa on June 21, 2016. The claimant participated personally and through Melody J. Butz, attorney at law. The employer participated through Benjamin P. Roach, attorney at law. Josh Chapman, CFO, testified for the employer. Claimant's Exhibits A, B, and C were admitted into evidence, as well as Employer's Exhibits One through Six. The administrative law judge took official notice of the administrative record, including fact-finding documents. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is claimant required to search for work effective May 17, 2016?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed full-time as an EMT, and last performed work April 5, 2016. The claimant was permanently separated from employment on April 25, 2016. The claimant filed a claim for unemployment insurance benefits with an effective date of April 24, 2016. At that time, the claimant was unsure if a permanent separation had occurred and indicated it was a temporary separation due to a lack of work.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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".

Iowa Admin. Code r. 871-24.23(27) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(27) Failure to report on a claim that a claimant made any effort to find employment will make a claimant ineligible for benefits during the period. Mere registration at the workforce development center does not establish that a claimant is able and available for suitable work. It is essential that such claimant must actively and earnestly seek work.

Based on the evidence presented, the administrative law judge concludes that the claimant's permanent separation occurred with the employer on April 25, 2016. Because the separation is no longer temporary but permanent, the claimant is obligated to make at least two in-person work searches during each week benefits are claimed.

DECISION:

The May 17, 2016 (reference 02) unemployment insurance decision is affirmed. The decision advising claimant that he is no longer considered temporarily laid off and that he must conduct at least two work searches during each week benefits are claimed was appropriate.

Jennifer L. Beckman

Decision Dated and Mailed

jlb/can