

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

KATHERINE R VAIL Claimant IOWA WORKFORCE DEVELOPMENT DEPARTMENT	<div>68-0157 (9-06) - 3091078 - EI</div> <div>APPEAL NO. 12A-UI-12935-AT ADMINISTRATIVE LAW JUDGE DECISION OC: 10/07/12 Claimant: Appellant (2-R)</div>
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Section 96.4-3 – Work Search

STATEMENT OF THE CASE:

Katherine R. Vail filed a timely appeal from an unemployment insurance decision dated October 23, 2012, reference 01, that issued a warning upon a finding that she had failed to make an active work search for the week ending October 20, 2012. After reviewing all matters of record, the administrative law judge concludes a formal hearing is not required.

ISSUES:

Should the warning be removed?

Is the claimant required to conduct an active work search?

FINDINGS OF FACT:

Katherine R. Vail filed a claim for unemployment insurance benefits effective October 7, 2012. Ms. Vail is an enrolled agent who performs tax preparation services for H&R Block. She has been guaranteed employment beginning January 1, 2013. When Ms. Vail first filed her claim for benefits, the Agency advised her that a work search was not required. When her claim was entered into the Agency's computer system, however, it was coded as one requiring an electronic or resume work search.

REASONING AND CONCLUSIONS OF LAW:

The first question is whether the warning should be removed. It should.

The evidence establishes the Agency had not notified Ms. Vail that she must conduct an active work search each week.

The second issue is whether work search requirements should be waived. Work search may be waived when an individual is temporarily unemployed. The evidence in the record establishes that Ms. Vail is being recalled to work in her primary field as of January 1, 2013. Under these circumstances, the work search requirement is waived.

DECISION:

The unemployment insurance decision dated October 23, 2012, reference 01, is reversed. The warning is removed from the claimant's record. The Agency shall re-code the claim to Group Code 3, work search waived.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw