

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LISA D HALL
Claimant

APPEAL NO. 09A-UI-09249-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 06-07-09
Claimant: Appellant (2)

Iowa Code Section 96.4(3) - Able and Available

STATEMENT OF THE CASE:

The claimant filed a timely appeal from a June 23, 2009, reference 01, decision that warned that the claimant may be disqualified for future weeks in which benefits are claimed and fewer than two in-person job contacts are made. After due notice was issued, a hearing was held on July 15, 2009. The claimant did participate in the hearing.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant's testimony that she was available for work the week of the claim and that she did make her in-person job contacts is credible. During the filing of the telephone claim for the week at issue, claimant pushed a button in error resulting in incorrect telephone response data.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant has made appropriate in-person work search contacts.

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 claimant has sufficiently demonstrated to the satisfaction of the administrative law judge that claimant was available for work the week ending June 20, 2009. Accordingly, the warning was inappropriate.

DECISION:

The June 23, 2009, reference 01, decision is reversed. The decision warning the claimant to conduct at least two in-person work searches during each week benefits are claimed was inappropriate. The warning shall be removed from the claimant's record.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/pjs