

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LINDA HOFFMAN LORIMER
Claimant

APPEAL NO. 09A-UI-08474-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 02/01/09
Claimant: Appellant (2)

Section 96.4(3) – Work Search

STATEMENT OF THE CASE:

The claimant, Linda Hoffman-Lorimer, filed an appeal from a decision dated June 2, 2009, reference 01. The decision warned the claimant to make at least two in-person job contacts per week to remain eligible to receive unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on June 30, 2009. The claimant participated on her own behalf.

ISSUE:

The issue is whether the claimant made an active and earnest search for work.

FINDINGS OF FACT:

Linda Hoffman Lorimer filed a claim for unemployment benefits with an effective date of February 1, 2009. She was advised to make at least two in-person job contacts each week to maintain eligible for unemployment benefits. For the week ending May 23, 2009, the claimant indicated zero job contacts. Ms. Hoffman-Lorimer was on vacation out of state during the week of May 23, 2009, and did not intend to file a claim for benefits for that week as she knew she was not able and available during that time. She attempted to file a claim for the week ending May 30, 2009, and the system asked her questions about the prior week, which she answered honestly and indicated she had not made job contacts.

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".

871 IAC 24.24(1)a provides:

(1) Bona fide offer of work.

a. In deciding whether or not a claimant failed to accept suitable work, or failed to apply for suitable work, it must first be established that a bona fide offer of work was made to the individual by personal contact or that a referral was offered to the claimant by personal contact to an actual job opening and a definite refusal was made by the individual. For purposes of a recall to work, a registered letter shall be deemed to be sufficient as a personal contact.

The claimant is aware she is to make two job contacts per week during any period in which she files for benefits. She did not intend to claim benefits for the week ending May 23, 2009, because she was out of state and not able and available for work. It was due to the automated system asking her questions about the previous week, which she answered, which triggered the claim in spite of her intent not to claim.

Her failure to make job contacts for the week ending May 23, 2009, was intentional as she did not intend to file for benefits for that week. The warning was not appropriate.

DECISION:

The representative's decision of June 2, 2009, reference 01, is reversed. The warning was not appropriate in this case.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css