

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

THOMAS P BRUST
Claimant

APPEAL NO: 11A-UI-05545-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 04/03/11
Claimant: Appellant (2)**

Section 96.4-3 - Able and Available/Work Search

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated April 19, 2011, reference 02, which held claimant eligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on June 1, 2011. Claimant participated personally.

ISSUE:

Whether claimant made adequate work searches so that the warning should be removed.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant's testimony that appropriate in-person work searches were made is credible. During the week April 16, 2011 in which claimant filed a telephone claim, 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 § 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 appropriate in-person work search contacts were made for the week ending April 16, 2011. Accordingly, the warning is removed.

DECISION:

The April 19, 2011 reference 02, decision is reversed. The claimant did make appropriate in-person work search contacts for the week ending April 16, 2011. The warning is removed. No overpayment shall result from this decision.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/pjs