

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MOLLY E CHESS
Claimant

APPEAL NO: 13A-UI-00552-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 12/30/12
Claimant: Appellant (2)

Section 96.4-3 - Able and Available/Work Search

STATEMENT OF THE CASE:

The claimant filed an appeal from a January 15, 2013, reference 01, decision that found the claimant warned for benefits for the week ending January 12, 2013, because of inadequate in-person work search contacts. After due notice was issued, a hearing was held on March 4, 2013, with the claimant participating. Exhibit A was admitted into evidence.

ISSUE:

Whether claimant made adequate work searches.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant's testimony that she is working part time and going to school full time for a high demand occupation is credible. During the week January 12, 2013 in which claimant filed a telephone claim she made no contacts. Claimant believed in good faith that once in school full time she no longer needed to make job contacts.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant has shown good excuse for not making 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 she acted in good faith when not making contacts for the week ending January 12, 2013. Accordingly, the warning is removed.

DECISION:

The January 15, 2013, reference 01, decision is reversed and the warning removed. Benefits are allowed, provided the claimant is otherwise eligible. No overpayment shall result from this decision.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/pjs