

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DOUGLAS P RYHERD
Claimant

APPEAL NO: 08A-UI-10901-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 11/02/08 R: 12
Claimant: Appellant (2)

Section 96.4-3 - Able and Available/Work Search

STATEMENT OF THE CASE:

The claimant filed a timely appeal from a decision dated November 12, 2008, reference 01, that warned claimant effective November 8, 2008, for failure to report for reemployment services. After due notice was issued, a hearing was held by telephone conference call before an Administrative Law Judge on December 5, 2008. Claimant did participate. 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 appropriate in-person work searches were made is credible. During the week November 8, 2008 in which he filed a telephone claim, he 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 appropriate in-person work search contacts were made for the week ending November 8, 2008. Accordingly, benefits are allowed.

DECISION:

The decision of the representative dated November 12, 2008, reference 01, is reversed. The warning shall be removed effective November 8, 2008.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/pjs