

**IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI**

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**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**Appeal Number: 06A-UI-07510-H2T  
OC: 06-11-06 R: 04  
Claimant: Appellant (4)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.4-3 - Able and Available/Work Search

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the July 25, 2006, reference 04, decision that found her not eligible for benefits based on her alleged failure to make an active and earnest search for work. After due notice was issued, a hearing was held on August 14, 2006. The claimant did participate.

ISSUE:

Did the claimant make and active and earnest search for work?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant's testimony that appropriate résumé work searches were made during the weeks ending July 1 and July 8 is credible. The claimant admits she made only one resume search for the week ending July 15.

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 for the weeks ending July 1 and July 8, but has made an inadequate work search for the week ending July 15.

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 work searches were made for the weeks ending July 1 and July 8, 2006. The claimant has not demonstrated that an appropriate work search was made for the week ending July 15, 2006. Accordingly, the claimant is entitled to unemployment insurance benefits for the weeks ending July 1 and July 8 and is not entitled to benefits for the week ending July 15, 2006.

DECISION:

The July 25, 2006 reference 04, decision is modified in favor of the appellant. The claimant did make appropriate in person work search contacts for the week ending July 1 and July 8, 2006, but did not make an adequate work search for the week ending July 15. Benefits are allowed, provided the claimant is otherwise eligible.

tkh\kjlw