

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SIMON E CARL
Claimant

APPEAL NO. 10A-UI-17289-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/28/10
Claimant: Appellant (1)**

Section 96.4-3 – Adequate Work Search

STATEMENT OF THE CASE:

Simon Carl (claimant) appealed a representative's December 14, 2010, decision (reference 02) that concluded he had made fewer than the required two in-person job contacts and that a warning should be issued. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on January 29, 2011. The claimant participated personally.

ISSUE:

The issue is whether the claimant is actively and earnestly seeking work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant filed for unemployment insurance benefits on November 28, 2010. For the week ending December 11, 2010, the claimant failed to make a minimum of two in-person contacts because he was hoping to be approved for Department Approved Training.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant was not actively and earnestly seeking work for the week ending December 11, 2010.

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 did not make two in-person contacts for the week ending December 11, 2010. Making two in-person contacts is evidence of earnestly and actively seeking work. The evidence does not support a finding that the claimant was earnestly and actively seeking work and, therefore, the warning shall remain in full force and effect.

DECISION:

The representative's December 14, 2010 decision (reference 02) is affirmed. The warning shall remain in full force and effect.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs