

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

PAULA F EGNER
Claimant

APPEAL 16A-UI-10559-JCT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 07/03/16
Claimant: Appellant (2)**

Iowa Code §96.4(3) - Able and Available/Work Search

STATEMENT OF THE CASE:

The claimant filed an appeal from the September 26, 2016, (reference 04) unemployment insurance decision that denied benefits based on an inadequate job search for the week ending September 10, 2016. The claimant was properly notified about the hearing. A telephone hearing was held on October 11, 2016. The claimant participated. Department exhibit D-1 was admitted into evidence. The administrative law judge took official notice of the administrative records including the fact-finding documents. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant make an adequate and active job search for the week ending September 10, 2016?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant claimed benefits for the week ending September 10, 2016. The claimant also reported wages in the amount of \$240.00. The claimant did make two work searches for that week. The claimant applied in person at the Aldi's in Council Bluffs, Iowa, for a cashier position on September 6, 2016. The claimant also applied at Shopkos through an online application, on September 6, 2016, for a stocking position.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant has made an active and earnest search for work.

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 an active and earnest search for work for the week ending September 10, 2016. Accordingly, benefits are allowed, taking into account wages earned for that week.

DECISION:

The September 26, 2016 (reference 04) decision is reversed. The claimant did make an active and earnest search for work for the week ending September 10, 2016. Benefits are allowed, (taking into account wages earned for that week) provided the claimant is otherwise eligible.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/pjs