

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROBERT E REID
Claimant

APPEAL NO: 11A-UI-13374-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 09/18/11
Claimant: Appellant (1)

Section 96.4-3 - Able and Available/Work Search

STATEMENT OF THE CASE:

The claimant filed a timely appeal from a September 27, 2011, reference 01, decision that found the claimant warned because of inadequate in-person work search contacts. After due notice was issued, a hearing was held on November 15, 2011, 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 he mistakenly thought he was not applying for benefits is credible. During the first week in which claimant filed a telephone claim, claimant reported no work searches. Claimant thought that he was not eligible because of pay earned the week prior. Claimant has been making searches for work ever since receiving the warning.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant has not made appropriate in-person work search contacts.

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 demonstrated to the satisfaction of the administrative law judge that appropriate in-person work search contacts were not made for the week ending September 24, 2011. Accordingly, the warning stands.

DECISION:

The September 27, 2011 reference 01, decision is affirmed. The claimant did not make appropriate in-person work search contacts for the week ending September 24, 2011. Benefits are allowed, and the warning stands. No overpayment shall result from this decision.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/pjs