

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HAROLD M JOHNSON
Claimant

APPEAL NO: 12A-UI-14240-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 11/04/12
Claimant: Appellant (2)

Section 96.4-3 – Able and Available/Search for Work
871 IAC 26.8(5) – Decision on the Record

STATEMENT OF THE CASE:

The claimant appealed a department decision dated November 27, 2012, reference 05, that warned him for failing to make a search for work. A telephone hearing was scheduled for December 27, 2012.

ISSUE:

Whether the claimant failed to make an active and earnest search for work.

FINDINGS OF FACT:

The administrative law judge having considered the evidence in the record, finds: The claimant is working full-time at Northwest Ready Mix in Ocheyedan, Iowa, and he worked three-days for 23.5 hours the week ending November 24, 2012. He did not work Thursday or Friday due to the Thanksgiving holiday period. He reported gross earnings of \$246.00 while claiming for benefits the week ending November 24, 2012 though he received no benefit due to a disqualifying reason.

REASONING AND CONCLUSIONS OF LAW:

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 administrative law judge concludes the warning is removed from his claim, as claiming is working a full-time job and worked the hours made available to him for the week at issue. The claimant offered information and documentation to explain the issue and no formal hearing scheduled for December 27 is necessary.

DECISION:

The department decision dated November 27, 2012, reference 05, is reversed. The warning is removed.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs