

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MAHA H MERHI
Claimant

APPEAL NO. 13A-UCFE-00034-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 05/12/13
Claimant: Appellant (2)**

Section 96.4-3 – Adequate Work Search

STATEMENT OF THE CASE:

Maha Merhi (claimant) appealed a representative's August 13, 2013, decision (reference 02) that concluded she 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 August 27, 2013. The claimant participated personally. The claimant offered and Exhibit A was received into evidence.

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 May 12, 2013. The claimant filed for unemployment insurance benefits for the benefit week ending August 10, 2013, because she was laid off for lack of work from her job with the United States Postal Service. During her layoff the claimant was not required to make two job contacts. The claimant returned to work on August 10, 2013.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant is not required to make a work search for the week ending August 10, 2013.

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".

Making two in-person contacts is evidence of earnestly and actively seeking work. When a person is laid off for lack of work for one week, the person is not required to make a work search. The claimant was laid off for one week. No work search is required. Accordingly, the warning shall be rescinded.

DECISION:

The representative's August 13, 2013 decision (reference 02) is reversed. The warning shall be rescinded.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs