

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARY J CLAASSEN
Claimant

APPEAL NO: 12A-UI-01169-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 12/11/11
Claimant: Appellant (1)**

Section 96.4-3 – Able and Available/Search for Work

STATEMENT OF THE CASE:

The claimant appealed a department decision dated January 25, 2012, reference 02, that warned her for failing to make a search for work the week ending January 21, 2012. A telephone hearing was held on February 28, 2012. The claimant participated.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witness, and having considered the evidence in the record, finds: The claimant did not make any job search/employer contacts during the week ending as she was caring for her mother who passed away on January 19.

REASONING AND CONCLUSIONS OF LAW:

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 administrative law judge concludes that the claimant is warned for failing to make a job search the week ending January 21, 2012. The law does not excuse an unemployed person for failing to search for work in order to be entitled to receive a benefit for any week.

DECISION:

The department decision dated January 25, 2012 reference 02 is affirmed. The claimant is warned for failing to search for work the week ending January 21, 2012.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs