

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JODY M DEMOSS**

Claimant

**APPEAL NO: 13A-UI-05857-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 09/16/12**

**Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated May 6, 2013, reference 01, that warned her for failing to make an adequate search for work the week ending April 13, 2013. A telephone hearing was held on June 25, 2013. The claimant did not participate.

**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 submitted a job application for three positions at NCI and one position at Flexsteel the week ending April 13, 2013.

**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 claimant made at least two job contact searches the week ending April 13, 2013, and the department warning is removed from her claim.

**DECISION:**

The department decision dated May 6, 2013, reference 01, is reversed. The warning is removed.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

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