

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SUSIE D WEEKS

Claimant

APPEAL NO: 13A-UI-07881-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/17/13

Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

The claimant appealed a department decision dated June 26, 2013, reference 01, that warned her for failing to make a search for work. A telephone hearing was held on July 24, 2013. The claimant participated. Claimant Exhibit A was received as evidence.

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 filed a benefit claim effective March 17, 2013. The department coded her claim as group code #6 that allows her to search for work by use of resume or other similar means because they are not able to make in-person job contacts.

Claimant submitted an internet employment application to Takeda Pharmaceutical in Quincy, Illinois and sent a resume to Lexington Square Nursing Home for an administrator position during the week ending April 27, 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 an appropriate search for work based on the department code for the week ending April 27, 2013, and the department warning is removed from her claim.

DECISION:

The department decision dated June 26, 2013, reference 01, is reversed. The warning is removed.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs