

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARTHA A REINWALD
Claimant

APPEAL NO. 09A-UI-01727-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 12/14/08 R: 12
Claimant: Appellant (2)**

Section 96.4-3 – Adequate Work Search

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the January 28, 2009, reference 01, decision that warned that the claimant may be disqualified for future weeks in which benefits are claimed and fewer than two in-person contacts are made but did not deny benefits for that week. After due notice was issued, a hearing was held by telephone on February 24, 2009. The claimant participated in the hearing.

ISSUE:

The issue is whether the claimant is able to work and available for work effective January 24, 2009.

FINDINGS OF FACT:

Having reviewed all the evidence in the record, the administrative law judge finds: The claimant filed a claim for unemployment insurance benefits with an effective date of December 14, 2008, and received the customary informational brochure that explains the unemployment compensation system and its requirements. During the week ending January 24, 2009, the claimant failed to conduct at least two in-person work searches. Ms. Reinwald conducted one job contact before an ice storm made roads impassible and disabled electric and telephone lines for the remainder of the week. The claimant's testimony that she was available for work during the week of the claim is credible. The claimant was unable to make additional job contacts due to factors beyond her control. The evidence in the record established that the claimant is actively and earnestly seeking re-employment.

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 claimant has sufficiently demonstrated to the satisfaction of the administrative law judge that the claimant was available for work during the week ending January 24, 2009. Accordingly, benefits are allowed. The claimant is obligated to make at least two in-person work searches during each week benefits are claimed. The claimant failed to do so due to factors beyond her control but has actively and earnestly been seeking work. Accordingly, under the unique circumstances of this case, the warning was not appropriate.

DECISION:

The January 28, 2009, reference 01, decision is reversed. The decision warning the claimant to conduct at least two in-person work searches during each week benefits are claimed was not appropriate under the circumstances of this case. The claimant was actively and earnestly seeking work but was prohibited by factors beyond her control from contacting additional job contacts that week.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw