

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

MICHELLE M RABEL
Claimant

APPEAL 15A-UI-09215-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 07/19/15
Claimant: Appellant (2)**

Iowa Code § 96.4(3) – Able and Available/Work Search

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the August 4, 2015, reference 02, decision that warned claimant to make at least two in-person work search contacts per week but did not deny benefits for the week ending August 1, 2015. Claimant's appeal letter was sufficient to resolve the issue and no hearing was held.

ISSUE:

The issue is whether the warning to make two or more in-person job contacts per week is appropriate.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a claim for unemployment insurance benefits with an effective date of July 19, 2015. During the week ending August 1, 2015, the claimant made the required job searches. During the filing of the claim for the week at issue, claimant pushed a button in error resulting in incorrect response data.

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 § 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as defined in § 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 § 96.5, subsection 3 are waived if the individual is not disqualified for benefits under § 96.5, subsection 1, paragraph "h".

The claimant has sufficiently demonstrated to the satisfaction of the administrative law judge that claimant was available for work the week ending August 1, 2015. Accordingly, the warning was inappropriate.

DECISION:

The August 4, 2015, reference 02, decision is reversed. The decision warning the claimant to conduct at least two in-person work searches during each week benefits are claimed was inappropriate.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

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