

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

THOMAS R BARNES
Claimant

APPEAL NO: 09A-UI-02039-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 01/18/09 R: 01
Claimant: Appellant (2)**

Section 96.4-3 - Able and Available/Work Search

STATEMENT OF THE CASE:

The claimant filed a timely appeal from a February 3, 2009, reference 01, decision that found the claimant warned for benefits for the week ending January 31, 2009, because of inadequate in-person work search contacts. After due notice was issued, a hearing was held on March 3, 2009, with the claimant participating. Exhibit A was admitted into evidence.

ISSUE:

Whether claimant made adequate work searches.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant's testimony that appropriate in-person work searches were made is credible. During the first week in which claimant filed a telephone claim, claimant made only one job contact. Claimant thought he was on temporary layoff. Claimant did not have a return to work date specified by employer. Claimant is required to make two job contacts a week.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant has made appropriate in-person work search contacts.

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 appropriate in-person work search contacts were made for the week ending January 31, 2009 because claimant was misinformed about his status as being on a temporary layoff. Accordingly, benefits are allowed and the warning removed.

DECISION:

The February 3, 2009 reference 01, decision is reversed. The claimant did make appropriate in-person work search contacts for the week ending January 31, 2009. Benefits are allowed, provided the claimant is otherwise eligible. No overpayment shall result from this decision.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/pjs