

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STEVEN R DARLING
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL NO: 09A-UI-10074-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/08/09
Claimant: Appellant (2)

Section 96.4-3 – Able and Available/Work Search

STATEMENT OF THE CASE:

The claimant appealed a department decision dated July 7, 2009, reference 01, that warned him for failing to make two job contacts for the week ending July 4, 2009. A telephone hearing was held on July 29, 2009. The claimant participated.

ISSUE:

A further issue is whether the claimant should have been warned about his work search.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witness, and having considered the evidence in the record, finds: The claimant went to his local Workforce Center on July 1 with the intention to re-open his claim for the following week. The department representative made his claim effective June 28, 2009. When the claimant called in on the weekend to claim benefits, he did not enter any job contacts for the week ending July 4, as he did believe he was claiming for that week. The claimant understands the requirement to make at least two job contacts each week while claiming for benefits.

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 that department warning should be removed, as the claimant made no err in reporting his search for the work. The claimant knows that he is to make two job contacts each week, and the confusion of reporting his work search had to do with the misunderstanding the effective date of the claim recorded by the department versus the week the claimant intended to claim.

DECISION:

The department decision dated July 7, 2009, reference 01, is reversed, and the warning is removed from the claimant's work search record.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/css