

IOWA DEPARTMENT OF INSPECTIONS & APPEALS  
Division of Administrative Hearings  
Lucas State Office Building  
Des Moines, Iowa 50319

DECISION OF THE ADMINISTRATIVE LAW JUDGE

**CHARLENE M PARKER**  
**1708 62<sup>ND</sup> STREET**  
**DES MOINES IA 50322-6120**

**INVESTIGATIONS AND RECOVERY**  
**IOWA WORKFORCE DEVELOPMENT**  
**1000 EAST GRAND AVENUE**  
**DES MOINES IA 50319**

DAN ANDERSON, IWD

**Appeal Number: 06-IWDUI-186**  
**OC: 06/11/06**  
**Claimant: Appellant (2)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the ***Employment Appeal Board, 4th Floor Lucas Building, Des Moines, Iowa 50319.***

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to the department. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

October 6, 2006

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(Decision Dated & Mailed)

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Section 96.4-3 - Able and Available  
871 IAC 24.22 – Benefit Eligibility Conditions

STATEMENT OF THE CASE:

The claimant filed an appeal from an Iowa Workforce Development Department decision dated September 12, 2006, reference 03, which held the claimant ineligible for benefits for the week ending July 1, 2006, because she failed to make an adequate search for work.

The hearing was held pursuant to due notice on October 2, 2006, by telephone conference call. The claimant participated. No one participated on behalf of Iowa Workforce Development, Investigation and Recovery.

#### FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witness, and having considered all of the evidence in the record, finds that: The claimant filed a claim for unemployment insurance benefits effective June 11, 2006. The claimant received a department information booklet that advised her she needed to make at least two employer job contacts each week while claiming for unemployment benefits.

The claimant provided the department with a work-search record for the period from June 23, 2006 to August 18, 2006. A department Investigator requested that a representative of Robert Half and Coca-Cola verify that the claimant made job contacts with them during the week ending June 30, 2006. The representatives answered no to the question whether the claimant made a job contact for the week at issue.

The claimant listed her daughter-in-law, Chris Parker, a Division Director for Robert Half, as her job contact for the week ending July 1. The claimant previously had performed work for this company. Parker told the claimant that no jobs were available at that time.

The claimant listed Lynn Clayton, a Supervisor for Coca-Cola, as her job contact for the week ending July 1. The claimant knows Clayton, personally, and she spoke with him about any job openings. Clayton told her he was not aware of any job opportunities at this time that is consistent with the response given by the representative to the department.

Investigation and Recovery was not available when called for the hearing.

#### REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is able and available for work.

#### **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".

**871 IAC 24.22(96) Benefits eligibility conditions.** For an individual to be eligible to receive benefits the department must find that the individual is able to work, available for work, and earnestly and actively seeking work. The individual bears the burden of establishing that the individual is able to work, available for work, and earnestly and actively seeking work.

The administrative law judge concludes that the claimant was able and available for work, as she made the required job contacts for the week ending July 1, 2006 pursuant to the law sections cited above. There is no evidence that the claimant had previously been warned about her job searches.

**DECISION:**

The decision of the representative dated September 12, 2006, reference 03, is REVERSED. The claimant made an adequate job search for the week ending July 1, 2006, and no disqualification of benefits is imposed. The claimant is entitled to receive benefits, provide she is otherwise eligible.

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