

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KRISTLE A HARRIS
Claimant

APPEAL NO: 06A-UI-10586-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 10/15/06 R: 03
Claimant: Appellant (1)**

Section 96.4-3 - Active Work Search and Availability

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated October 21, 2006, reference 02, that warned that the claimant had failed to make two in-person job contacts for the week ending October 21, 2006. A telephone hearing scheduled for November 14, 2006. The claimant failed to participate in the hearing. Based on the administrative file and the law, the following findings of fact, reasoning and conclusions of law, and decision are entered.

ISSUE:

Was the claimant able to and available for work?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of October 15, 2006. At the time the claimant filed for benefits, the claimant was informed and understood that she was required to actively seek work by personally contacting two employers each week seeking employment.

The claimant made no in-person job contacts during the week ending October 21, 2006. After the week ended, the claimant filed a weekly claim for benefits using the voice response system. The claimant reported that she had not made two in-person job contacts. Based on that response, the agency issued a warning that the claimant could be disqualified in a future week if she failed to make two in-person job contacts.

The claimant did not make any job contacts because she is eight-months pregnant and is unable to work based on her doctor's recommendation. The claimant was making phone calls for work that would start after she is released to return to work following the birth of her child.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.4-3 provides:

Required findings.

An unemployed individual shall be eligible to receive benefits with respect to any week only if the division of job service finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work.

871 IAC 24.23(28) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(28) A claimant will be ineligible for benefits because of failure to make an adequate work search after having been previously warned and instructed to expand the search for work effort.

The claimant failed to make an active search for work in accordance with the law and the instructions given to her for the week ending October 21, 2006. The warning was therefore warranted. Since the claimant is unable to work at this time, she is ineligible to receive benefits until she reapplies for unemployment insurance benefits and establishes she is again able to and available for work.

DECISION:

The unemployment insurance decision dated October 21, 2006, reference 02, is affirmed. The claimant failed to make an active search for work during the week ending October 21, 2006, and was properly warned. The claimant is unable to work at this time and is ineligible to receive benefits until she reapplies for unemployment insurance benefits and establishes she is again able to and available for work.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs