

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

EDWARD J HUFF
Claimant

APPEAL NO: 10A-UI-10741-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 01/24/10
Claimant: Appellant (1)**

Section 96.4-3 – Active Search for Work and Availability for Work

STATEMENT OF THE CASE:

The claimant appealed a representative's July 27, 2010 decision (reference 01) that issued him a warning for failing to make an active work search the week ending July 24, 2010. A telephone hearing was held on August 28, 2010. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUES:

Did the claimant make an active search for work the week ending July 24, 2010?

Was the claimant available for work the weeks ending July 17 and 24, 2010?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of January 24, 2010. He reopened his claim the week of July 11, 2010. He filed claims for the weeks ending July 17 and 24, 2010. During each of these weeks, he worked about 15 hours to finish up the liquidation of a business. The claimant could have worked and could have made job contacts these weeks, but did not. As soon as the claimant received the representative's July 27 decision that he was required to look for work, he started making an active search for work by applying for jobs.

REASONING AND CONCLUSIONS OF LAW:

Before a claimant is considered eligible to receive weekly unemployment insurance benefits, he must make an active search for work and be able to and available for work. Iowa Code section 96.4-3. The administrative rule states an individual shall be ineligible for benefits for any period for which the department finds the individual failed to make an earnest and active search for work. An individual must make a sincere effort to find a job. 871 IAC 24.22(3).

Even though the claimant did not look for work the weeks ending July 17 and 24, he established that he was able to and available for work. When the claimant reopened his claim in July, he

did not think about looking for work because he had not filed any weekly claims since he established his claim in late January 2010. The claimant did not actively look for work during the weeks ending July 17 and 24, 2010. Therefore, the warning issued to him is warranted. Since this was the claimant's first work search warning, he is eligible to receive benefits for the weeks ending July 17 and 24, 2010.

DECISION:

The representative's July 27, 2010 decision (reference 01) is affirmed. The claimant did not make an active search for work the weeks ending July 17 and 24, 2010. Therefore, the warning issued to him was warranted. The claimant established the he was able to and available for work these two weeks. Therefore, he is eligible to receive benefits for the weeks ending July 17 and 24, 2010.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs