

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DONALD J PAPIAN
Claimant

APPEAL NO. 13A-UI-09567-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 07/28/13
Claimant: Appellant (2)**

Section 96.4-3 – Adequate Work Search

STATEMENT OF THE CASE:

Donald Papien (claimant) appealed a representative's August 13, 2013, decision (reference 02) that concluded he had made fewer than the required two in-person job contacts and that a warning should be issued. A telephone hearing was held on August 27, 2013. The claimant participated personally. The claimant offered and Exhibit A was received into evidence.

ISSUE:

The issue is whether the claimant is actively and earnestly seeking work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant filed for unemployment insurance benefits on July 28, 2013. August 3, 2013, was the first week the claimant filed an online claim. He pushed a button in error resulting in incorrect telephone response data. He did not properly report the 14 work searches he made for the week.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant is actively and earnestly seeking 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".

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 August 3, 2013. Accordingly, the warning shall be rescinded.

DECISION:

The representative's August 13, 2013 decision (reference 02) is reversed. The warning shall be rescinded.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css