

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CORBY L KIMBLE**  
Claimant

**APPEAL NO. 14A-UI-00182-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 06/02/13**  
**Claimant: Appellant (2)**

Iowa Code § 96.4(3) - Adequate Work Search

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the December 31, 2013, reference 02, decision. The decision warned that the claimant may be disqualified for future weeks in which benefits are claimed because she did not provide information about her work searches for the week ending December 7, 2013. After due notice was issued, a hearing was scheduled to be held on January 29, 2014. A review of the claimant's appeal letter and agency records made clear that additional testimony was not needed and no hearing was held.

**ISSUE:**

The issue is whether the warning to make two or more in-person job contacts per week is appropriate.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a claim for unemployment insurance benefits with an effective date of June 2, 2013. The claimant was ordered to provide information about her work search for the week ending December 7, 2013. The form sent to the claimant told her she would have a telephone interview on December 26. The claimant did not receive the form until December 29. She has provided the required work search documentation and did make appropriate work searches during the week ending December 7, 2013. Because the claimant did not receive timely notice of the request to provide information, there was no way she could reasonably comply. She has established that she made and properly documented her work searches for the week ending December 7, 2013.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code § 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 she made and properly documented her work searches for the week ending December 7, 2013. Accordingly, the warning was inappropriate.

**DECISION:**

The December 31, 2013, reference 02, decision is reversed. The decision warning the claimant to conduct at least two in-person work searches during each week benefits are claimed was inappropriate.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

tkh/css