

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CLAIRE V AHART**  
Claimant

**APPEAL NO. 08A-UI-06748-MT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 06/08/08 R: 03**  
**Claimant: Appellant (2)**

Section 96.4-3 - Able and Available/Work Search

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from a July 22, 2008, reference 02, decision that found the claimant warned for the week ending July 19, 2008, because of inadequate in-person work search contacts. After due notice was issued, a hearing was held on August 1, 2008, with the claimant participating.

**ISSUE:**

Whether claimant made adequate work searches.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant's testimony that appropriate in-person work searches were made is credible. During the week in which claimant filed a telephone claim, claimant pushed a button resulting in zero job contacts reported. Claimant had worked over 30 hours that week and did not believe she needed to make work searches. Claimant was able and available for work. Claimant was seeking partial unemployment.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant has made appropriate in-person work search contacts.

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 for the week ending July 19, 2008 she should be excused from making contacts because she thought that working 30 hours excused her from the requirement. Accordingly, the warning is removed.

**DECISION:**

The July 22, 2008 reference 02, decision is reversed. The claimant did make appropriate in-person work search contacts for the week ending July 19, 2008. Benefits are allowed, provided the claimant is otherwise eligible. No overpayment shall result from this decision.

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Marlon Mormann  
Administrative Law Judge

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Decision Dated and Mailed

mdm/kjw