

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEBORAH S POND
Claimant

APPEAL NO. 13A-UI-10693-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/25/12
Claimant: Appellant (1)**

Iowa Code Section 96.4(3) – Work Search

STATEMENT OF THE CASE:

Deborah Pond filed a timely appeal from the September 17, 2013, reference 02, decision that warned her she was required to make a minimum of two employer contacts each week she claimed benefits based on an agency conclusion that she had reported zero job contacts for the week ending September 14, 2013. After due notice was issued, a hearing was held on October 14, 2013. Ms. Pond participated. Exhibit A was received into evidence. The administrative law judge took official notice of the agency's administrative record (KCCO) of the claimant's week claim's report via the Internet reporting system.

ISSUE:

Whether the claimant has been able to work and available for work since establishing his/her claim for benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Deborah Pond established a claim for benefits that was effective November 25, 2012 and received regular unemployment insurance benefits that included *regular* benefits for the week ending September 14, 2013. During that week, Ms. Pond did not report any job contacts when she made her weekly report to the agency via the Internet. Ms. Pond was a full-time student at the time, but was not approved for Department Approved Training for that week.

REASONING AND CONCLUSIONS OF LAW:

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".

Ms. Pond is required to conduct a work search for every week she claims unemployment insurance benefits. The benefits disbursed to Ms. Pond for the week ending September 14, 2013, were regular state benefits, not Trade Act benefits. Ms. Pond did not conduct a work search during that week. Ms. Pond was not approved for Department Approved Training during the week that ended September 14, 2013. The warning for failure to make an appropriate work search for the week ending September 14, 2013 will stand.

DECISION:

The agency representative's September 17, 2013, reference 02, is affirmed. The claimant failed to make an active and earnest search for work during the week ending September 14, 2013. The warning for failure to make an appropriate work search for the week ending September 14, 2013 will stand.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

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