

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CRYSTAL S FAIRLIE**  
Claimant

**APPEAL NO: 12A-UI-10651-MT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 08/05/12  
Claimant: Appellant (2)**

Section 96.4-3 - Able and Available/Work Search

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from an August 23, 2012, reference 02, decision that found the claimant warned for the week ending August 11, 2012, because of inadequate in-person work search contacts. After due notice was issued, a hearing was held on October 3, 2012, with the claimant participating. Exhibits A and B were admitted into evidence.

**ISSUE:**

The issue is whether claimant made adequate work searches.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: During the first week in which claimant filed a telephone claim, claimant did not have time to make any work searches. Claimant filed late in the week. Claimant has been making the correct number of work searches ever since.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant has a reasonable excuse for not making 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 reasonable excuse for not making appropriate in-person work search contacts for the week ending August 11, 2012. Accordingly, the warning is removed.

**DECISION:**

The August 23, 2012, reference 02, decision is reversed. The warning is removed.

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Marlon Mormann  
Administrative Law Judge

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Decision Dated and Mailed

mdm/pjs