

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DANIELLE R BRADY**  
Claimant

**APPEAL NO. 10A-UI-14043-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**INTRUST**  
Employer

**OC: 09/05/10**  
**Claimant: Respondent (1)**

Section 96.4(3) – Able and Available.

**STATEMENT OF THE CASE:**

Intrust filed an appeal from a representative's decision dated October 6, 2010, reference 02, which held that Danielle Brady was no longer temporarily unemployed and had to make job contacts. After due notice was issued, a hearing was held by telephone on November 22, 2010. Ms. Brady participated personally. The employer participated by Tim Hockbart, Director, and Keri Wavrunek, Manager. The employer was represented by Kami Petitgoue, Attorney at Law.

**ISSUE:**

At issue in this matter is whether Ms. Brady has satisfied the availability requirements of the law since filing her claim.

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Brady was employed by Intrust from April 7, 2008 until September 15, 2010. She was hired to work full-time as a customer service representative but was reduced to part-time status at the employer's initiative on or about September 1, 2010. The reduction was not a disciplinary measure but a decision based on business needs.

Ms. Brady filed a claim for job insurance benefits effective September 5, 2010, prior to her September 15, 2010 discharge from Intrust. She has been allowed Division-Approved Training (DAT) effective October 24 through December 25, 2010.

**REASONING AND CONCLUSIONS OF LAW:**

In order to receive job insurance benefits, an individual must be able to and available for work. In addition, she must actively and earnestly seek work. Iowa Code section 96.4(3). When she filed her claim for job insurance benefits, Ms. Brady was still employed by Intrust on a reduced workweek basis. An individual who is receiving partial benefits is exempt from making job contacts in any week in which she has worked and received wages from her regular employer. 871 IAC 24.22(3)f(4). Based on the foregoing, Ms. Brady was not required to seek work prior to her discharge from Intrust.

Ms. Brady became separated from Intrust on September 15. At that point, she was no longer partially unemployed. As such, she was required to look for work. The decision of October 6, 2010 was her first notice that she was now required to look for work. Workforce Development records indicate that she made two job contacts during the weeks ending October 9, October 16, and October 23, 2010. Therefore, she satisfied the requirement that she actively and earnestly seek work.

Ms. Brady is approved for DAT from October 24 through December 25, 2010. An individual who is in training with approval of the Division is exempt from the work search requirements of section 96.4(3). See Iowa Code section 96.4(6)a. As such, Ms. Brady was no longer required to look for work as of October 24, 2010. An employer's account is not charged for benefits paid to an individual while that individual is on DAT.

**DECISION:**

The representative's decision dated October 6, 2010, reference 02, is hereby affirmed. Ms. Brady was required to look for work, as she was no longer partially unemployed as of September 15, 2010. The work search requirement is waived as of October 24, 2010. Benefits are allowed, provided she is otherwise eligible. Benefits paid to Ms. Brady from October 24, 2010 through December 25, 2010 shall not be charged to Intrust.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/kjw