

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DOUGLAS C SEMPERE
Claimant

APPEAL NO: 13A-UI-10332-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 08/11/13
Claimant: Appellant (2)**

871 IAC 24.2(1)a & h(1) & (2) – Request to Backdate Claim

STATEMENT OF THE CASE:

Douglas Sempere (claimant) appealed a representative's September 5, 2013, decision (reference 01) that concluded he had made fewer than the required two in-person job contacts and that a warning should be issued. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on September 20, 2013. The claimant did participate.

ISSUE:

The issue is whether the claimant is actively and earnestly seeking work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant filed for unemployment insurance benefits on August 11, 2013. The claimant's testimony that appropriate in-person work searches were made for the week ending August 31, 2013, is credible. He pushed a button in error resulting in incorrect telephone response data.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant is actively and earnestly seeking work.

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 appropriate in person work search contacts were made for the week ending August 31, 2013. Accordingly, the warning shall be rescinded.

DECISION:

The representative's September 5, 2013, decision (reference 01) is reversed. The warning shall be rescinded.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css