

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CHRISTINE M MARTIN**  
Claimant

**APPEAL NO: 13A-UI-12655-MT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 10/27/13**  
**Claimant: Appellant (1)**

Section 96.4-3 - Able and Available/Work Search

**STATEMENT OF THE CASE:**

The claimant filed an appeal from a November 5, 2013, reference 02, decision that found the claimant warned for benefits for the week ending November 2, 2013, because of inadequate in-person work search contacts. After due notice was issued, a hearing was held on December 5, 2013, with the claimant participating. Exhibit A was 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: The claimant's testimony that appropriate in-person work searches were not made is credible. During the week November 2, 2013 in which claimant filed a telephone claim, claimant pushed a button indicating two online applications instead of in-person job applications.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant has not 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 not sufficiently demonstrated to the satisfaction of the administrative law judge that appropriate in-person work search contacts were made for the week ending November 2, 2013. Accordingly, the warning remains.

**DECISION:**

The November 5, 2013 reference 02, decision is affirmed. The claimant did not make appropriate in-person work search contacts for the week ending November 2, 2013. Benefits are allowed but the warning remains. No overpayment shall result from this decision.

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Marlon Mormann  
Administrative Law Judge

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Decision Dated and Mailed

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