

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CATHY L GRAEVE
Claimant

APPEAL NO. 11A-UI-02186-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 02/06/11
Claimant: Appellant (2)**

Section 96.4-3 – Adequate Work Search

STATEMENT OF THE CASE:

Claimant filed a timely appeal from a representative's decision dated February 22, 2011, reference 02. The decision warned the claimant may be disqualified for future weeks in which benefits are claimed and fewer than two in-person job contacts are made but did not deny benefits for that week. After due notice was issued, a hearing was held on March 21, 2011. Participating on behalf of the claimant was Steve Vonk, Union Representative.

ISSUE:

The issue is whether the claimant is able and available for work.

FINDINGS OF FACT:

Having considered all of the evidence in the record, the administrative law judge finds: The claimant filed a claim for unemployment insurance benefits with an effective date of February 6, 2011. During the week ending February 12, 2011, the claimant failed to conduct at least two in-person work searches. She was attached to the employer and a member of Local 310 of the Steel Workers Union for Bridgestone Firestone. The claimant's testimony that she is a union member and attached to the employer is credible. Her testimony that she is available for work is also credible.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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 she was available for work for the week ending February 12, 2011. Accordingly, benefits are allowed.

DECISION:

The February 22, 2011, reference 02, decision warning the claimant to conduct at least two in-person work searches during each week benefits are claimed was not appropriate.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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