

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ALVIN L THRASHER
Claimant

APPEAL NO. 10A-UI-07352-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Original Claim: 08/09/09
Claimant: Appellant (1)**

Section 96.4-3 – Able and Available/Search for Work

STATEMENT OF THE CASE:

The claimant appealed a department decision dated May 18, 2010, reference 01, that warned him for failing to make a search for work. A telephone hearing was held on July 13, 2010. The claimant participated.

ISSUE:

Whether the claimant failed to make an active and earnest search for work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witness and having considered the evidence in the record, finds: After the claimant filed his unemployment claim effective August 9, 2009, the department coded his claim as group code #6, which authorizes him to use a résumé in his search for work. The claimant got a job as a census worker for the U.S. government. When the claimant filed a claim for the week ending May 18, 2010, he reported gross wages of \$151, and he received a partial benefit of \$65. The claimant did not record any work search effort for the week, as he was unaware he needed to look for full-time employment.

REASONING AND CONCLUSIONS OF LAW:

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 administrative law judge concludes that the department warning is warranted, because the claimant failed to search for full-time employment the week ending March 18, 2010.

This case is a good example why the department issues a warning rather than penalizing a person for making mistake about the job search requirement. Since the claimant was working a temporary job as a census taker, he did not believe he needed to search for work. The law requires that a person must look for full-time employment when working a part-time or temporary job in order to receive an unemployment benefit.

DECISION:

The department decision dated May 18, 2010, reference 01, is affirmed. The claimant is warned for failing to make a search for work.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/kjw