

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KEITH R JOHNK
Claimant

APPEAL 16A-UI-09348-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 07/31/16
Claimant: Appellant (2)**

Iowa Code § 96.4(3) - Adequate Work Search

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the August 17, 2016, (reference 01) decision. The decision warned that 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. Claimant's appeal letter was sufficient to resolve the issue and no hearing was held.

ISSUE:

Was the warning to make two or more in-person job contacts per week appropriate?

FINDINGS OF FACT:

Having reviewed 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 July 31, 2016. During the week ending August 13, 2016 the claimant made at least two job contacts, but made them online as that is what most employers require. The claimant is looking for jobs where application is primarily made online or via resume. His group code is currently "2" which does require in-person job contacts. Claimant would more properly be coded as a group "6" employee that allows online or résumé job contacts.

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 claimant was available for work the week ending August 13, 2016 and made the required job contacts. Accordingly, the warning was inappropriate.

871 IAC 24.2(1)c(6) provides: "Group "6" claimants are those individuals whose occupations are of a nature that utilize résumés or who are normally unable, due to factors such as occupation, distance, etc., to make in-person contacts for employment." The claimant's group code shall be changed from "2" to "6".

DECISION:

The August 17, 2016, (reference 01) decision is reversed. The decision warning the claimant to conduct at least two in-person work searches during each week benefits are claimed was inappropriate. The claimant's group code shall be changed from "2" to "6".

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/pjs