

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BECKIE J JACKSON
Claimant

APPEAL NO. 07A-UI-03519-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 07/02/06 R: 03
Claimant: Appellant (1)**

Section 96.4-3 - Active Search for Work

STATEMENT OF THE CASE:

Beckie J. Jackson (claimant) appealed a representative's March 27, 2007 decision (reference 03) that warned her that she had failed to make the minimum job contacts during the week ending March 24, 2007. A hearing notice was mailed to the claimant's last-known address of record for a telephone hearing to be held on April 23, 2007 at 9:00 a.m. The claimant failed to respond to the hearing notice and provide a telephone number at which she could be reached for the hearing and did not participate in the hearing. Based on a review of the information in the administrative file and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is the work search warning issued to the claimant appropriate in this case?

FINDINGS OF FACT:

After a separation from employment from a prior full time job, the claimant established a claim for unemployment insurance benefits effective July 2, 2006. She began making weekly continued claims and receiving her entire weekly benefit amount of \$334.00 for each week through the week ending March 17, 2007. She began a part-time job on March 19, 2007. When she filed her weekly continued claim for that week ending March 24, 2007, she reported earning wages of \$249.00, still below her weekly earning allowance of \$349.00; she also reported making no employer job contacts. As a result, the warning in the representative's decision in this case was issued.

Since receiving the representative's decision, the claimant has resumed making employer job contacts for the subsequent weeks for which she had filed weekly continued claims for partial unemployment insurance benefits.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.4-3 and 871 IAC 24.22(3) provide that a claimant must make a personal and diligent effort to find a job and that a claimant shall be ineligible for benefits for any period for which the Agency finds the individual failed to make an earnest and active search for work. There is an exception to this requirement for some instances where the claimant is only partially unemployed.

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".

(Emphasis added.)

Iowa Code § 96.19-38-b:

b. An individual shall be deemed partially unemployed in any week in which, while employed at the individual's then regular job, the individual works less than the regular full-time week and in which the individual earns less than the individual's weekly benefit amount plus fifteen dollars.

An individual shall be deemed partially unemployed in any week in which the individual, having been separated from the individual's regular job, earns at odd jobs less than the individual's weekly benefit amount plus fifteen dollars.

(Emphasis added.)

The claimant was partially unemployed for the week ending March 24, 2007, but it was not because she was working less than her regular full time hours in her normal job (as defined in unnumbered paragraph one of the partial unemployment definition). Therefore, the partial unemployment exemption from making personal applications for work did not apply to her. The warning issued to her in the representative's decision was warranted.

DECISION:

The unemployment insurance decision dated March 27, 2007 (reference 03) is affirmed. The claimant did not make an active search for work during the week ending March 24, 2007. Therefore, the warning issued to her was warranted. Benefits are allowed, if the claimant is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/kjw