

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LINDA K REMPE
Claimant

APPEAL NO: 10A-UI-05499-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 06/07/09
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

The claimant appealed a department decision dated March 31, 2010, reference 02, that warned her for failing to make a search for work the week ending March 27, 2010. A telephone hearing was held on May 21, 2010. The claimant participated. Claimant Exhibit A was received as evidence.

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: The claimant filed an unemployment claim effective June 7, 2009. The department coded her claim as group code #6 that authorizes her to use résumé as means of searching for work.

The claimant filed an on-line unemployment claim the week ending March 27, 2010, and inadvertently failed to record the three job searches she made that week.

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 claimant made the required job search the week ending March 27, 2010, and the department warning is removed from her claim.

DECISION:

The department decision dated March 31, 2010, reference 02, is reversed. The warning is removed.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/css